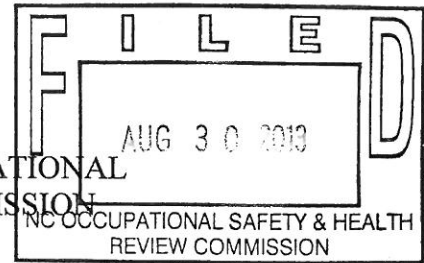


BEFORE THE NORTH CAROLINA OCCUPATIONAL  
SAFETY AND HEALTH REVIEW COMMISSION



COMMISSIONER OF LABOR OF  
THE STATE OF NORTH CAROLINA,

Complainant,

DOCKET NO. OSHANC-2013-5479  
OSHA INSPECTION NO. 317088888  
CSHO ID: K4809

vs.

ANGEL DRYWALL, INC.  
*and its successors*

ORDER

Respondent.

THIS MATTER is before the undersigned Monique M. Peebles, Administrative Law Judge for the North Carolina Occupational Safety and Health Review Commission, for the Complainant's Motion to Dismiss the Respondent's Notice of Contest in these proceedings pursuant to Rules .0303(b) and .0308 of the Rules of Procedure of the North Carolina Occupational Safety and Health Review Commission;

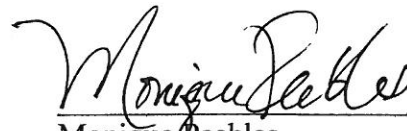
And it appearing to the Court that:

1. On May 31, 2013 at the closing conference Respondent signed the Employer and Employee Rights and Responsibilities Form (OSHA 59) notifying and informing Respondent that Respondent had 15 working days from receipt of the citations to contest the citations.
2. On June 6, 2013, a Citation and Notification of Penalty were issued to Respondent by certified mail, return receipt requested.
3. The citation and Notification of Penalty was received by Respondent on June 8, 2013.
4. No Informal Conference was requested or held.

5. Pursuant to NCGS § 95-137 (b)(1) on June 28, 2013, the citations and proposed penalties became a Final Order of the Review Commission.
6. The Notice of Contest letter dated July 10, 2013 and faxed to Complainant on July 10, 2013 was not timely.

NOW, THEREFORE, it is hereby ORDERED that Complainant's Motion to Dismiss the Respondent's Notice of Contest is granted and the Final Order is upheld with the penalty of \$1,000.00.

Entered this 27 day of August, 2013.

  
\_\_\_\_\_  
Monique Peebles  
Administrative Law Judge

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I have this date served a copy of the foregoing ORDER, upon:

ANGEL BONILLA  
PRESIDENT  
ANGEL DRYWALL INC  
4609 HIDDEN HOLLOW LANE  
KNIGHTDALE NC 27545

by depositing same the United States Mail, Certified Mail, postage prepaid, at Raleigh, North Carolina, and upon:

JASON ROSSER  
NC DEPARTMENT OF JUSTICE  
LABOR SECTION  
P O BOX 629  
RALEIGH NC 27602-0629

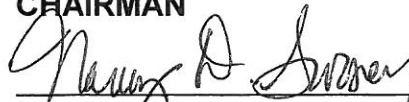
by depositing a copy of the same in the United States Mail, First Class;

NC DEPARTMENT OF LABOR  
LEGAL AFFAIRS DIVISION  
1101 MAIL SERVICE CENTER  
RALEIGH NC 27699-1101

by depositing a copy of the same in the NCDOL Interoffice Mail.

THIS THE 30<sup>th</sup> DAY OF August 2013.

OSCAR A. KELLER, JR.  
CHAIRMAN



Nancy D. Swaney  
Docket and Office Administrator  
NC Occupational Safety & Health Review Commission  
1101 Mail Service Center  
Raleigh, NC 27699-1101  
TEL.: (919) 733-3589  
FAX: (919) 733-3020