

BEFORE THE NORTH CAROLINA OCCUPATIONAL  
SAFETY & HEALTH REVIEW COMMISSION

COMMISSIONER OF LABOR OF THE  
STATE OF NORTH CAROLINA

Complainant,

v.

NC Department of Public Safety –  
NC Correctional Institution for Women  
*and its successors*

Respondent.

OSHANC NO. 2022- 6459  
INSPECTION NO. 318227873  
CSHO ID: E0113

FILED

OCT 14 2024

ORDER DENYING  
PETITION FOR  
INTERLOCUTORY REVIEW

NC OSH Review Commission


THIS MATTER is before the undersigned on Respondent's Petition for Review filed on October 4, 2024. The Petitioner seeks the Commission's review of the Hearing Examiner's Order entered on September 30, 2024, by the Honorable MARY-ANN LEON.

Complainant's petition is timely pursuant to Rule .0602. However, "only in cases of *final* orders by Hearing Examiners is the Respondent or Complainant entitled as of right to a hearing before the [Commission]." *Brooks v. H. B. Zachry Company*, 2 NCOSHD 341, 349 (RB 1982). "Orders of an interlocutory nature ... are subject to review only if the [Commission] determines a review is appropriate." *Id.*

The underlying petition raises issues related primarily to the adequacy of Complainant's service of process. The petition reveals no substantial right that will be lost absent immediate review. The Chairman has determined that interlocutory review is not warranted and, in its discretion, the Commission concurs.

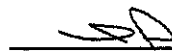
THEREFORE, IT IS ORDERED that the Complainant's Petition for Review is DENIED.

This 10/14/2024



Paul E Smith (Oct 14, 2024 12:11 EDT)

PAUL E. SMITH, Chairman



Terrence O Dewberry (Oct 14, 2024 11:53 EDT)

TERRENCE DEWBERRY, Member



William D Rowe (Oct 14, 2024 12:10 EDT)

WILLIAM D. ROWE, Member

**CERTIFICATE OF SERVICE**

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

SONYA CALLOWAY DURHAM  
NC DEPARTMENT OF JUSTICE  
PUBLIC SAFETY SECTION  
PO BOX 629  
RALEIGH NC 27602

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

SAGE BOYD  
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 email.

THIS THE 16 DAY OF October 2024.

PAUL E. SMITH  
CHAIRMAN

  
\_\_\_\_\_  
Karissa B. Stuss  
Docket Administrator  
NC Occupational Safety & Health Review Commission  
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Raleigh, NC 27699-1101  
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