

No. 19-3032

UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

FILED
Apr 24, 2019
DEBORAH S. HUNT, Clerk

R. ALEXANDER ACOSTA, Secretary of Labor,)
)
Petitioner,)
)
v.)
)
CASEY BORTLES,)
)
Respondent.)

J U D G M E N T

Before: BATCHELDER, McKEAGUE, and WHITE, Circuit Judges.

Secretary of Labor R. Alexander Acosta (the “Secretary”) petitions for summary entry of a judgment against Respondent Casey Bortles enforcing nine final orders of the Occupational Safety and Health Review Commission (the “Commission”). Casey Bortles has not answered the petition for summary enforcement.

Section 11(b) of the Occupational Safety and Health Act of 1970 (the “Act”), 29 U.S.C. § 660(b), provides that, if no petition for review of a final order is filed and the Secretary petitions for enforcement, “the Commission’s findings of fact and order shall be conclusive,” thus authorizing summary enforcement of the final order. *See Brennan v. Winters Battery Mfg. Co.*, 531 F.2d 317, 321–324 (6th Cir. 1975). And, if an employer does not contest a citation or proposed penalty, it “shall be deemed a final order of the Commission and not subject to review by any court or agency.” 29 U.S.C. § 659(a),(b). Casey Bortles did not contest the nine citations or petition for review of the resulting final orders of the Commission.

No. 19-3032

-2-

Accordingly, the Commission's final orders, resulting from the uncontested Citations and Notifications of Penalty issued under OSHA Inspection Numbers 962398, 1066332, 1231170 (two orders), 1266246, 1273009 (two orders), 1311484, and 1331306, are hereby **ENFORCED**; and Casey Bortles shall:

1. Comply with the final orders resulting from the uncontested Citations and Notifications of Penalty issued under OSHA Inspection Numbers 962398, 1066332, 1231170, 1266246, 1273009, 1311484, and 1331306, requiring abatement of the enumerated violations of the Act;
2. Pay the Secretary, within ten days of the date of this judgment, the \$341,972 in penalties assessed by the final orders, plus accrued interest from the date each order became final through the date of payment;
3. Submit to Kimberly Nelson, Area Director of the OSHA Toledo Area Office, within ten days of the date of this judgment, abatement certification and abatement documentation for the violations of 29 C.F.R. § 1926.20(b)(1), 29 C.F.R. § 1926.20(b)(2), 29 C.F.R. § 1926.21(b)(2), 29 C.F.R. § 1926.95(a); 29 C.F.R. § 1926.451(e)(1), 29 C.F.R. § 1926.451(g)(1)(i); 29 C.F.R. § 1926.501(b)(13), 29 C.F.R. § 1926.503(a)(1), 29 C.F.R. § 1926.503(c), and 29 C.F.R. § 1926.1053(b)(1), as required by the final orders resulting from the uncontested Citations and Notifications of Penalty issued under OSHA Inspection Numbers 962398, 1066332, 1231170, 1266246, 1273009, 1311484, and 1331306.
4. Cease and desist from violating in any like or relate manner 29 C.F.R. § 1903.19(c)(1), 29 C.F.R. § 1926.20(b)(1), 29 C.F.R. § 1926.20(b)(2), 29 C.F.R. § 1926.21(b)(2), 29 C.F.R. § 1926.95(a); 29 C.F.R. § 1926.451(e)(1), 29 C.F.R.

No. 19-3032

-3-

§ 1926.451(g)(1)(i); 29 C.F.R. § 1926.501(b)(13), 29 C.F.R. § 1926.503(a)(1), 29 C.F.R. § 1926.503(c), and 29 C.F.R. § 1926.1053(b)(1), as set forth in the final orders resulting from the uncontested Citations and Notifications of Penalty issued under OSHA Inspection Numbers 962398, 1066332, 1231170, 1266246, 1273009, 1311484, and 1331306.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written over a horizontal line.

Deborah S. Hunt, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Deborah S. Hunt
Clerk

100 EAST FIFTH STREET, ROOM 540
POTTER STEWART U.S. COURTHOUSE
CINCINNATI, OHIO 45202-3988

Tel. (513) 564-7000
www.ca6.uscourts.gov

Filed: April 24, 2019

Mr. Casey Bortles
140 Meilke
Holland, OH 43528

Mr. Ronald Joseph Gottlieb
U.S. Department of Labor
Office of the Solicitor
200 Constitution Avenue, N.W.
S-4004
Washington, DC 20210

Re: Case No. 19-3032, *R. Acosta v. Casey Bortles*
Originating Case No. : 962398 : 1066332 : 1231170 : 1266246 : 1273009 : 1311484 :
1331306

Dear Mr. Bortles and Counsel,

The Court issued the enclosed Order today in this case.

Sincerely yours,

s/Jill Colyer
Case Manager
Direct Dial No. 513-564-7024

Enclosure

No mandate to issue