

UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 95-60222

PHOENIX ROOFING INC,

Petitioner,

versus

OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION;
SECRETARY OF LABOR,

Respondents.

Petition for Review of an Order of the Occupational
Safety and Health Review Commission
(90-2148)

February 15, 1996
Before JOLLY, JONES, and BENAVIDES, Circuit Judges.

PER CURIAM:*

Petitioner, Phoenix Roofing Inc. (Phoenix) appeals the decision of the Occupational Safety and Health Review Commission (Commission) which upheld a sanction against Phoenix for a violation of 29 C.F.R. § 1926.500(b)(4). After examining the record and the briefs and considering the same, we conclude: that the Secretary of Labor's interpretation of the regulation at issue

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

is reasonable; that the Administrative Law Judge's factual findings are supported by the record; that Phoenix has failed to show that the conclusions of the Commission are either arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law; and that Phoenix had reasonable notice of the Secretary's interpretation of the regulation by which it was sanctioned.

No reversible error being shown by Phoenix, the order of the Commission is AFFIRMED.