

STATE OF NEW YORK DEPARTMENT OF LABOR

IN THE MATTER OF

CHARLES HENDRICKSON
Crane Operator Certificate of Competence No. 86-1823

Pursuant to Section 61-3.1 of Title 12 of the Official
Compilation of Codes, Rules and Regulations of the State of
New York.

**DETERMINATION
&
ORDER**

GA-10-0007

WHEREAS the Crane Operator Examining Board, pursuant to 12 NYCRR 61-3.1, conducted a hearing on June 29, 2010, to determine whether the Certificate of Competence issued to Charles Hendrickson (Respondent) should be suspended or revoked by the Division of Safety and Health of the New York State Department of Labor; and

WHEREAS the testimony and other evidence presented at the hearing establish, in relevant part, that:

1. Respondent's Certificate of Competence No. 86-1823 expires October, 2010;
2. Respondent operated a Grove Crane Model GMK 5275 on October 23, 2009 at Nicolas Pond in Spencer, New York;
3. Respondent, while operating such crane, was involved in an accident wherein the Respondent lifted a 53,000 pound dredge out of the pond and the soil under one of the outriggers collapsed, causing the crane to tip;
4. The accident did not occur as a result of Respondent's negligence; and
5. That Respondent is "a person of proper competence, judgment or ability" in relation to the operation of cranes (12 NYCRR 61-3.1, incorporating 12NYCRR 23-8.5 [n] [1]).

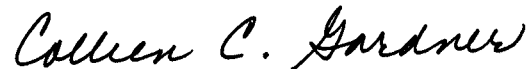
WHEREAS the Crane Operator Examining Board, based on the evidence presented at the hearing, made the following Recommendations on the record, as reflected on the attached transcript page(s):

1. That the accident did not occur as a result of the Respondent's negligence;
2. That Respondent is "a person of proper competence, judgment or ability" in relation to the operation of cranes (12 NYCRR 61-3.1, incorporating 12NYCRR 23-8.5 [n] [1]);
3. That the Respondent's current Certificate of Competence is to be continued in full force and effect.

NOW, upon review of the entire record made by the Crane Operator Examining Board; and upon due deliberation had thereon, it is:

ORDERED that the Findings of Fact, the Conclusions and the Recommendations by the Crane Operator Examining Board be, and hereby are, ADOPTED by the Commissioner of Labor, and they shall constitute the final **Determination & Order** of the Commissioner.

Dated: August 5, 2010
Albany, New York



Colleen C. Gardner
Commissioner of Labor
State of New York