

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**AMIRIAN MANAGEMENT COMPANY
dba POPEYE'S
4107 Edison Avenue
Chino, CA 91710**

Employer

Inspection Number
1637991

**DECISION AFTER
RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby issues the following Decision After Reconsideration resolving the petition for reconsideration (Petition) filed in the above-entitled matter by Amirian Management Company doing business as Popeye's (Employer).

JURISDICTION

The California Division of Occupational Safety and Health (Division) started an inspection of a place of employment in California maintained by Employer on December 8, 2022. On April 12, 2023, the Division issued two citations to Employer alleging one regulatory, one general, and one Serious Accident-Related violation of occupational safety and health standards codified in California Code of Regulations, title 8.¹ Employer timely appealed.

The matter was assigned to an administrative law judge (ALJ) of the Board for appeal proceedings. The proceeding before the ALJ culminated in a contested evidentiary hearing and a decision by the ALJ (Decision) issued on May 7, 2026, which affirmed the alleged violations and imposed civil penalties.

Employer timely filed its Petition on June 5, 2026. Employer's Petition was not verified as required by Labor Code section 6616. The Board sent Employer a Deficiency Letter informing Employer that it was required to verify the Petition and providing instructions and a sample verification form on June 5, 2026. The Deficiency Letter informed Employer that it had five days to provide the required verification and that, "Failure to [verify] may result in dismissal/denial of the petition for reconsideration." No response or verification was received by the Board.

The Division answered the Petition.

¹ References are to California Code of Regulations, title 8 unless specified otherwise.

ISSUE

Was the Petition verified as required by law?

REASONS FOR DECISION AFTER RECONSIDERATION

The Board has fully reviewed the record in this case, including the arguments presented in the Petition. We have taken no new evidence.

Labor Code section 6616 provides, in relevant part, “The petition [for reconsideration] shall be verified upon oath in the manner required for verified pleadings in courts of record[.]” “Shall” as used in Labor Code section 6616 means “mandatory.” (Lab. Code § 15.) Thus, Labor Code section 6616 requires a petition to be verified. We have held many times that failure to verify a petition is grounds to deny it. (*Waterproofing and Roofing Solutions, Inc.*, Cal/OSHA App. 1690885, Denial of Petition for Reconsideration (Oct. 11, 2024).) Failure to verify a pleading when verification is required is curable by amendment. (*Bd. of Trustees v. Superior Court* (2007) 149 Cal. App. 4th 1154, 1163-1164.) Here, however, Employer has not taken advantage of the notice of deficiency from the Board and thus the Petition remains unverified and the deficiency uncured.

DECISION

For the reasons stated above, the Board issues this decision after reconsideration denying Employer’s Petition. The Decision is affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

Ed Lowry, Chair **ABSENT**
/s/ Judith S. Freyman, Board Member
/s/ Marvin Kropke, Board Member



FILED ON: 07/24/2026