

**State of California**  
**California Occupational Safety and Health Appeals Board**  
**Closed Session Agenda**

**Government Code § 11126 (a), (c)(3), (e) and (f)**

**for**

**Thursday, October 20, 2022**

**9:30 a.m.**

**Held on Zoom**

**To: Members of the California Occupational Safety & Health Appeal Board**

**From: J. Jeffrey Mojcher, Chief Counsel**

**Date: October 7, 2022**

**RE: Closed Session of the Board to be held on October 20, 2022**

**Pursuant to Government Code section 11126, subdivisions (a), (c)(3), (e) and (f) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session. Any matter not completed at this meeting may be continued to subsequent meetings. If the closed session agenda is not completed on the scheduled day, the closed session will continue from day to day until completion and adjournment.**

**Decisions Of Administrative Law Judges:**

*(Written decision issued by an Administrative Law Judge. The Decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the Decision. The Board Members review the Decision and decide if they will reconsider the ALJ Decision on their own motion.)*

1262720      General Dynamics Nassco

1436480      Interline Brands, Inc.

**Petitions For Reconsideration:**

*(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)*

1159345      2 & 3 Electric

1397958      America's Best, Inc.

1506586      American Fumigation Services, LLC

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- 1564732 Calvary Chapel of San Jose
- 1465354 Natural Alternatives International, Inc.
- 1437436 Par Electrical Contractors, Inc.

**Orders Dismissing Appeal:**

- 1528648 Gotworx Staffing, Inc.
- 1310514 Greengo Farms
- 1544476 Veridiam, Inc.

**Orders Denying Leave To File Late Appeal:**

There are no Orders Denying Leave to File Late Appeals for review.

**Matters Pending Reconsideration:**

*(If the Appeals Board orders reconsideration of an Order or Decision, it reviews the record and then affirms, rescinds, alters or amends the Order or Decision being reconsidered.)*

*The following list is intended to inform stakeholders and members of the public of what the Board believes is the issue of most interest to the general public presented in each of the following matters. The issues are listed to assist those interested in research or public information, and not litigation, and are not necessarily or exclusively the only issue or issues presented in each matter. The issues identified are not positions of the Board. Further, the Board may add and decide issues not included in the list or decide the matter on other grounds, under authority of Labor Code sections 6620 through 6623.*

- 1360156 CA Forestry and Fire Protection
- 1300984 General Dynamics NASSCO  
*Whether Employer committed the violations alleged.*
- 1004280 Key Energy Services, LLC  
*Matter remanded to the Board from the Court.*
- 1340591 Lennar Corporation  
*Whether Employer committed the violations alleged.*
- 313381584 Modern Pro Builder
- 1291481 Sierra Pacific Forest Products  
*Whether Employer was in compliance with the cited safety order.*
- 1303461 SSA Terminals (Oakland), LLC dba SSA Marine Terminals  
*Whether Employer violated section 3212(a)(2)(A) as alleged.*

**Matters Pending Litigation:**

*(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)*

**Superior Court:**

1. Barnard Impregilo Healy, JV, CPF 17-515575 (317134021)
2. Ashley Furniture Industries, 34-2017-800002750 (1016514)
3. United Parcel Service, Inc. dba UPS, 34-2019-80003174 (1116529)
4. Shimmick Construction Company, Inc., 34-2019-80003191 (1059365)
5. Davis Development Company, 34-2020-80003373 (1226084)
6. Southern California Edison, 34-2021-80003580 (1320327)
7. RND Contractors, Inc., CIV SB 2119442 (1436785)
8. Sunview Vineyards of California, Inc. RG21111733 (1153101)
9. Hill Crane Service Inc., 34-2021-80003744 (1135350)
10. Amazon.com Services, LLC dba Amazon Warehouse LGB3, 22STCP00403 (1473644)
11. Sierra Forest Products, VCU290996 (1291481)
12. USA Waste of California, Inc., 34-2022-80003841 (1384029)
13. Ranch of the Golden Hawk, 22STCP02302 (1224802)
14. Guy F. Atkinson Construction, LLC. 22STCP03019 (1332867)

**Appellate Court:**

1. Interline Brands, Inc., CIVDS2021813 (1251604)
2. Golden State FC, LLC, STK-CV-UWM-2021-004380 (1310525)
3. L & S Framing, Inc. S-CV-0046603 (1173183)
4. Granite Construction Company, 34-2021-80003634 (1235643)

**Other Items:**

1. New and/or interlocutory petitions for reconsideration not filed in time to be agendaized.
2. Categorizing the Board's DARs and Denials on the DIR website.
3. Staff attorneys to provide legal analysis, advice and counsel regarding COVID-19 cases.
4. Discussion of DOSH Proposal to have their eAttorney system interface with OASIS.

**Orders Of Administrative Law Judges:**

*(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)*

1560018	Adam De Garza
1540052	Adolph's A-1 Tree Service
1297877	Albertson's, LLC
1315624	All American Asphalt
1372844	Bayview Environmental Services, Inc.
1437222	Best Contracting Services, Inc.
1556954	CapTek Softgel International, Inc.
1568449	Cinnabar California, Inc.
1407040	City Of Los Angeles, Department Of Public Works
1556194	D9 Industries LLC
1558648	Energy Solutions And Services, Inc.
1562608	Erickson Framing Ca LLC
1533265	ETCO Homes, Inc.
1516105	Fairway Staffing Services, Inc.
1537556	General Coatings Corporation
1504141	Imperfect Foods, Inc.
1561347	Intelligent Blends Office Coffee
1491833	Kaiser Foundation Hospital Panorama City
1564452	KFC
1512744	LA City Police - Metro Communications Dispatch
1569786	Lloyds Manufacturing Services, Inc.
1523499	Mattson Technology, Inc.
1553445	Michael Leslie
1477629	Morley Builders, Inc.

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1596621	Northcentral Pizza, LLC
1517015	Oakley Union School District
1505022	Pacific Gas & Electric Company
1554517	Pharaoh Staffing, LLC
1517744	Porter Rents, LLC
1555968	PR Plumbing, Heating & Air Conditioning, Inc.
1566454	Rancho San Joaquin Golf Course
1596953	Richard Hancock, Inc.
1507598	Riverside County Behavioral Health Department
1555513	S.J. Grigolla Construction Company
1570566	Sharcar Enterprises, Inc.
1539960	South Coast Baking, LLC
1510230	Stand Up Placer
1532889	Sylvester Roofing Company, Inc.
1511270	The City Of Los Angeles
1566752	The Regan Group
1526908	Torn and Glasser Inc.
1554397	Trapac, LLC
1488195	Unique Building Group, Inc.
1420700	US Framing West, Inc.
1509148	VF Outdoor, LLC
1505148	Wallace Curb & Gutter, Inc.
1543425	Westside Petroleum & Carwash, Inc.
1525461	Wood-N-Wood Products

**Personnel:**

*(Issues regarding staff.)*

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