

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

In the Matter of the Appeal of:

**AHUIS BUILDING DEVELOPMENT INC.
12550 Lorne Street
North Hollywood, CA 91605**

Employer

**Inspection No.
1730290**

**DENIAL OF PETITION FOR
RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby denies the Petition for Reconsideration filed in the above-entitled matter by Ahuis Building Development Inc. (Employer).

JURISDICTION

On July 25, 2024, the Division of Occupational Safety and Health (Division) issued Citation 1, Items 1 through 6, and Citation 2 to Employer.

California Code of Regulations, title 8, section 359, and Labor Code sections 6600 and 6602, provide that an employer wishing to contest a citation must file an appeal or notify the Appeals Board of its intent to file an appeal within 15 working days of receiving the citation.

According to a certified mail receipt provided by the Division Employer was served with the citations on July 29, 2024, making August 19, 2024, the last day to file its appeal.

The Appeals Board's records indicate that Employer initiated an untimely appeal on or about September 5, 2024. Thereafter, after receiving a notice of the incomplete appeal, Employer submitted completed appeal forms on or about September 25, 2024.

On December 18, 2024, the Appeals Board issued Employer a Notice of Untimely Appeal permitting Employer an opportunity to show good cause for initiating its appeal late and requiring that Employer's response be postmarked within 20 days of the date of service of the notice.

Employer failed to submit any timely response and on February 18, 2025, the Appeals Board issued an Administrative Order Dismissing Appeal (Order).

On June 9, 2025, Employer filed a petition for reconsideration asking the Board to overturn the Order. The petition asserts a number of affirmative defenses. It additionally asserts that “the employer and the employer’s representative were not served timely in proceedings vital to this appeal process.”

ISSUE

Does the Board have jurisdiction to grant reconsideration in this matter?

REASON FOR DENIAL OF PETITION FOR RECONSIDERATION

The Board has fully reviewed the record in this case. The Board has taken no new evidence.

Labor Code section 6617 sets forth five grounds upon which a petition for reconsideration may be based:

- (a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.
- (b) That the order or decision was procured by fraud.
- (c) That the evidence does not justify the findings of fact.
- (d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.
- (e) That the findings of fact do not support the order or decision.

Employer’s petition asserts none of the statutory grounds upon which we may grant reconsideration, which is reason alone to deny the petition. (*Arodz Motorsports, LLC, dba Al Tune & Lube*, Cal/OSHA App. #1087194, Denial of Petition for Reconsideration (Nov. 22, 2017).)

The dispositive issue is whether the petition was timely filed. The Board’s record in this matter shows that the Order was issued on February 18, 2025. Both the Order and Labor Code section 6614, subdivision (a) gave Employer notice that a party may petition the Board for reconsideration within 30 days after service of the decision or order at issue. Employer’s petition was filed late. We lack jurisdiction to grant reconsideration when the petition is filed late. (*Amerisk Engineering Corp.*, Cal/OSHA App. 1129146, Denial of Petition for Reconsideration (Dec. 21, 2018), citing Labor Code sections 5900 and 5903; *Nestle Ice Cream Co., LLC v. Workers' Comp. Appeals Bd.* (2007) 146 Cal.App.4th 1104, 1108, citing *Scott v. Workers' Comp. Appeals Bd.* (1981) 122 Cal.App.3d 979, 984.)

Here, Employer did not file its petition within the time required by law; therefore, we lack to jurisdiction to consider it.

DECISION

For the reasons stated above, the petition for reconsideration is denied. The Order is affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chair

/s/ Judith S. Freyman, Board Member

/s/ Marvin P. Kropke, Board Member

FILED ON: 07/25/2025

