

McDermott Will & Emery

Boston Brussels Chicago Düsseldorf Houston London Los Angeles Miami Munich
New York Orange County Rome San Diego Shanghai Silicon Valley Washington, D.C.

U.S. practice conducted through McDermott Will & Emery LLP.

Arthur G. Sapper
Attorney at Law
asapper@mwe.com
202.756.8246

600 Thirteenth Street, N.W.
Washington D.C. 20005-3096

Facsimile: 202.756.8087
www.mwe.com

December 29, 2009

BY ELECTRONIC MAIL

J. Jeffrey Mojcher, Esq.
Chief Counsel
California OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833-4229

Re: Suggested amendment to Board Rule 376(c)

Dear Mr. Mojcher:

I respectfully suggest that the Board amend Rule 376(c), which states:

In cases being reviewed by the Bureau of Investigations, unless the employer submits a written request that its appeal go forward in the normal course, the Appeals Board shall delay the hearing until the conclusion of a review of the case by the Bureau of Investigations or for a period not exceeding 2 years, whichever occurs earlier. The period may be extended beyond 2 years at a party's request if necessary to allow the Bureau of Investigations to conclude its review of the case.

The phrase "or a District Attorney" should be inserted after the first reference to the Bureau of Investigations, and the phrase "or the District Attorney" should be inserted after each subsequent reference.

Respectfully,



Arthur G. Sapper

cc. Amy Martin, Esq.