

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

PACIFIC ERECTORS, INC.
2196 American Avenue
Hayward, CA 94545

Employer

Docket No. 01-R1D3-1885

**DECISION AFTER
RECONSIDERATION**

Before the Appeals Board is a decision dated July 30, 2002, by an administrative law judge (ALJ) of the Board, granting Employer's appeal from a violation of section¹ 341.1(a) [permit for construction of building more than three stories high].

On August 29, 2002, the Division of Occupational Safety and Health (Division) filed a petition for reconsideration. On October 2, 2002, Pacific Erectors, Inc. (Employer) filed an opposition to the petition for reconsideration. On October 17, 2002 the Board took the petition under submission and stayed the decision of the ALJ pending a decision on the petition by the Board.

BACKGROUND

Employer is a contractor engaged in the business of laying the steel decking for the floors of multi-story steel frame buildings and was the subcontractor for the decking of two, six-story steel frame buildings. The Division cited Employer for failure to obtain a permit pursuant to section 341.1(a) before doing that work.

**FINDINGS AND REASONS
FOR
DECISION AFTER RECONSIDERATION**

The ALJ fully considered the contentions raised by the Division in its petition². The Appeals Board has considered the decision of the ALJ and the record in light of the Division's petition for reconsideration and affirms the

¹ Unless otherwise specified, all section references are to Title 8, California Code of Regulations.

² The Division contends the ALJ erred in finding that: (1) only one permit needed to be obtained, and (2) Employer was not obligated to obtain a permit.

ALJ's summary of evidence, rulings, findings, and conclusions and adopts the decision in its entirety. Accordingly, the ALJ's decision is attached and incorporated herein by reference.

DECISION AFTER RECONSIDERATION

The decision of the ALJ dated July 30, 2002 granting Employer's appeal and dismissing the citation and proposed civil penalty, is reinstated and affirmed.

CANDICE A. TRAEGER, Chairwoman

GERALD PAYTON O'HARA, Member

Board Member Saunders dissenting.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

FILED ON: March 4, 2005