

BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD

In the Matter of the Appeal of:

MV TRANSPORTATION, INC.
360 Campus Lane, Suite 201
Fairfield, CA 94534-1400

Employer

Docket No. 02-R1D1-2930

**DECISION AFTER
RECONSIDERATION**

Before the Appeals Board is a decision dated July 19, 2004, by an administrative law judge (ALJ) of the Board, finding a serious violation of section¹ 3562(e) [jack stand not properly blocked] as to Citation 2, and assessing a civil penalty of \$18,000.

On August 23, 2001, MV Transportation, Inc. (Employer) filed a Petition for Reconsideration.

BACKGROUND

Employer is a bus maintenance and service company. On January 27, 2002, an employee was injured when a bus that was not supported by jack stands fell off the column lifts supporting it onto the employee when he was under the bus checking the drive shaft.

**FINDINGS AND REASONS
FOR
DECISION AFTER RECONSIDERATION**

The ALJ fully considered the contentions raised by Employer in its petition². The Appeals Board has considered the decision of the ALJ and the record in light of Employer's petition for reconsideration and affirms the ALJ's summary of evidence, rulings, findings, and conclusions and adopt in its entirety the decision before the Board. Accordingly, the ALJ's decision is attached and incorporated herein by reference.

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

² Employer contends the ALJ erred in finding that: (1) the employee was in a management position, (2) Employer did not know of the existence of the violation and (3) the assessed penalty was unreasonable.

DECISION AFTER RECONSIDERATION

The decision of the ALJ dated February 11, 1998, is reinstated and affirmed.

CANDICE A. TRAEGER, Chairwoman
MARCY V. SAUNDERS, Member
GERALD PAYTON O'HARA, Member

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
FILED ON: December 10, 2004