

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

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

**Thursday, January 5, 2023**

**9:30 a.m.**

**Held on Zoom**

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

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

**Date: December 16, 2022**

**RE: Closed Session of the Board to be held on January 5, 2023**

**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.)*

1431672      A. Teichert & Son, Inc.

1285791      Original Sixteen to One Mine, 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.)*

1380273      Bigge Crane & Rigging, Co.

1541484      Empire Remodeling, Inc.

**Orders Dismissing Appeal:**

- |         |                                 |
|---------|---------------------------------|
| 1550108 | Niche Builders Group Incore LLC |
| 1556741 | Rancho West Landscape, Inc.     |
| 1431908 | Ricardo Guzman Villanueva       |

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

- |         |                                    |
|---------|------------------------------------|
| 1572962 | Total Terminals International, LLC |
|---------|------------------------------------|

**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.*

- |         |  |
|---------|--|
| 1314092 | 99 Cents Only Store, LLC<br>Whether the employer committed a foot protection violation as alleged.                               |
| 1360156 | CA Forestry and Fire Protection<br><i>Whether it was an error to assign a particular ALJ to the matter.</i>                      |
| 1564732 | Calvary Chapel of San Jose dba Calvary Chapel Academy<br><i>Whether the ALJ correctly excluded evidence from the inspection.</i> |
| 1262720 | General Dynamics NASSCO<br><i>Whether the employer followed proper procedures in rigging a load.</i>                             |
| 1300984 | General Dynamics NASSCO<br><i>Whether Employer committed the violations alleged.</i>   |
| 1436480 | Interline Brands, Inc.<br><i>Whether the employer violated foot protection standards.</i>  |

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- 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  
*Whether the ALJ's granting of a late appeal was appropriate under the circumstances.*
- 1465354 Natural Alternatives International, Inc.  
*Whether the ALJ erred in dismissing the matter.*
- 1336276 Rios Farming Company, LLC  
*Whether the ALJ's decision was correct.*
- 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.*
- 1203336 Three-D Services Co. Inc.

**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)

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8. Hill Crane Service Inc., 34-2021-80003744 (1135350)
9. USA Waste of California, Inc., 34-2022-80003841 (1384029)
10. Ranch of the Golden Hawk, 22STCP02302 (1224802)
11. Guy F. Atkinson Construction, LLC, 22STCP03019 (1332867)
12. American Fumigation Services, LLC, 22STCP04305 (1506586)

**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)
5. MWL Solutions, C097353, 34-2020-80003549 (1436014)

**Other Items:**

1. New and/or interlocutory petitions for reconsideration not filed in time to be agendized.
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.*

1510550	A-1 Rehab & Recruitment Services, Inc.
1525570	A.S.S.E.T. Private Security
1606249	Ace Insulation
1575954	Advance Beverage Co., Inc.
1545992	Aerotek, Inc.

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1568412	Alameda County Social Services Agency
1577880	Allied West Paper Corp
1511820	American Automobile Association of Northern
1539568	American Crane Rental, Inc.
1576921	Angeles Fulfillment Services, Inc.
1539581	Bei Construction, Inc.
1570442	Brush Masters
1560607	California Department of Transportation
1571614	Carwash Operators, LLC
1607983	Cell Crete Corp., Inc.
1526595	CI Coatings Inc.
1483916	Core Contracting, Inc.
1494060	Decker Ford, Inc. DbA Future Ford of Clovis
1562269	DH Blattner & Sons, Inc.
1509613	Dignity Health
1551574	Earth Tech Engineering Inc.
1520101	EGX, Inc.
1483912	Emanate Health
1597202	Enza Zaden Research USA, Inc.
1494046	Everlast Roofing and Co. Inc.
1536944	Express Employment Professionals
1574473	Fairway Staffing Services, Inc.
1627103	Foothill Sierra Tree Service
1521293	Freddie's Transmissions
1587438	Gal Construction, Inc.
1556493	Gill's Onions
1555055	Gourmet Sweets Bakeries, Inc.
1541260	Granite Construction Company
1462748	Granite Petroleum, Inc.
1584787	Hakes Sash & Door
1576180	Herron Construction, Inc.
1529791	Hi-Temp Insulation, Inc.
1529838	Hobie Cat Company II, LLC
1397159	Imagine Tree Service, Inc.
1583405	J.B. Hunt Transport Inc.
1532538	K&J Ag Services, Inc.
1498479	Kaiser Foundation Hospitals
1555953	Luis Roberto Soto
1598658	Magic Laundry Services, Inc.
1553233	Material Supply, Inc.

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1494517	Mb Builders, Inc.
1334776	Mesa Harvesting Company
1570246	Modern Painting
1479799	Mondiale Construction LLC
1540804	NBC Universal Theme Park
1556334	NorCal Heating and Cooling, Inc.
1369499	Optimum, Inc.
1553855	Pacific Coast Producers
1519854	Pacific States Industries, Inc.
1559784	Pitman Family Farms
1517042	Prime Harvest Contracting
1575437	Pro-Tech Painting, Inc.
1591383	Professional Painting
1474603	Quest Diagnostics, Inc.
1481558	Reliable Wholesale Lumber, Inc.
1553425	Rigo's Tree Service
1455800	Roc Construction
1534219	Rosas Corporation
1376246	Safeway, Inc
1551184	Safeway, Inc.
1602928	Sierra Pacific Home & Comfort, Inc.
1559519	Southern California Edison Company
1564189	Stanley Black & Decker
1504280	Superior Court of California, In and For the County
1536534	Superior Court of California, In and For the County
1582554	Sycamore Labor, Inc.
1485460	The Geo Group, Inc.
1598615	Top Notch Calf Ranch
1558849	Town and Country Event Rentals, Inc.
1604651	Turbo Wholesale Tires, Inc.
1403076	Turner Construction Company
1518535	Twentieth Century Fox Film Corporation / 9-1-1:
1463099	United Natural Foods Inc.
1324760	United Production Framing
1505525	Vallarta Super Market #33
1549131	W Farms, LLC
1568436	Walmart, Inc.
1617859	Ward's Concrete, Inc.
1598811	Waste Management Collection And Recycling, Inc.
1577421	WCW, Inc.

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1351029 West Coast Iron, Inc.  
1579540 Wheel & Tire Club, Inc.

**Personnel:**

*(Issues regarding staff.)*

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