

**EXECUTIVE SUMMARY**  
**OCCUPATIONAL SAFETY AND HEALTH**  
**APPEALS BOARD**

**Summary of John Laing Homes– Decision After Reconsideration**

Employer was a controlling employer under 336.10 because it had actual and contractual control over every aspect of the worksite, including safety, and could have abated the specific fall protection violations because they were in plain sight. Employer failed to show it acted with reasonable diligence yet failed to discover the violations, and so it did not meet its burden of proof to show the Serious classification was incorrect under Labor Code 6432.

Johns Laing Homes 04-194 and 195  
**336.10, 1632j, 1669(a), Labor Code 6432**