

**BEFORE THE
STATE OF CALIFORNIA
OCCUPATIONAL SAFETY AND HEALTH
APPEALS BOARD**

In the Matter of the Appeal of:

**WEAVERVILLE GAS
900 MAIN STREET
WEAVERVILLE, CA 96093**

Employer

Inspection Number
1859532

**DENIAL OF PETITION FOR
RECONSIDERATION**

The Occupational Safety and Health Appeals Board (Board), acting pursuant to authority vested in it by the California Labor Code hereby denies the petition for reconsideration (Petition) filed in the above-entitled matter by Weaverville Gas (Employer).

JURISDICTION

On or about December 31, 2025, the Division of Occupational Safety and Health (the Division) issued Employer one citation alleging violations of two safety orders alleging: (1) a failure to establish, implement and maintain an IIPP; and (2) a failure to maintain floors free of oil, grease, or water. Employer received the citation by certified mail on January 5, 2026.

Pursuant to California Code of Regulations, title 8, section 359, and Labor Code sections 6600 and 6602, Employer was required to file an appeal or notify the Appeals Board of its intent to file appeals within 15 working days of receipt of the citations. Employer was required to initiate its appeal by January 27, 2026.

Employer initiated its appeal on or about January 29, 2026, two days late. The Board issued Employer a Notice of Untimely Appeal (Notice) giving Employer 20 days to provide a declaration showing good cause why its late appeal should be accepted.

Employer failed to submit a response to the Notice and on March 5, 2026, the Board issued the Order dismissing Employer's appeal.

On April 16, 2026, Employer filed several documents that have been construed to be a petition for reconsideration. These include a signed verification, an incomplete proof of service, and copy of the Order dismissing appeal. Employer was informed of the deficiency with its proof of service.

The Division did not answer the Petition.

ISSUE

Did Employer show there was good cause for the late appeal?

REASON FOR DENIAL OF PETITION FOR RECONSIDERATION

The Board has fully reviewed the record in this case. We have taken no new evidence. After careful review, we deny the Petition.

Labor Code section 6617 sets forth five grounds upon which a petition for reconsideration may be based:

- (a) That by such order or decision made and filed by the appeals board or hearing officer, the appeals board acted without or in excess of its powers.
- (b) That the order or decision was procured by fraud.
- (c) That the evidence does not justify the findings of fact.
- (d) That the petitioner has discovered new evidence material to him, which he could not, with reasonable diligence, have discovered and produced at the hearing.
- (e) That the findings of fact do not support the order or decision.

Employer's Petition asserts none of the statutory grounds upon which we may grant reconsideration, which is reason enough to deny the Petition. (*Arodz Motorsports, LLC, dba Al Tune & Lube*, Cal/OSHA App. #1087194, Denial of Petition for Reconsideration (Nov. 22, 2017).)

Moreover, the Petition is late. Labor Code section 6614, subdivision (a), provides that a party may petition the Board for reconsideration within 30 days after service of the decision or order at issue. The Board served the Order on March 5, 2026, making April 9, 2026, the last day to file the petition for reconsideration. Employer did not file its Petition until April 16, 2026. Employer's Petition was therefore late. We lack jurisdiction to grant reconsideration when the petition for reconsideration is filed late. (*Quintana Construction*, Cal/OSHA App. 1198572, Denial of Petition for Reconsideration (Jun. 24, 2020).)

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DECISION

For the reasons stated above, Employer's Petition is denied. The Order is affirmed.

OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD

/s/ Ed Lowry, Chair
/s/ Judith S. Freyman, Board Member
/s/ Marvin Kropke, Board Member



FILED ON: 05/29/2026