

OSHR Widens Leeway For Employers' 'Good Faith' Faults In Litigation

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Jim Sullivan spoke with *Inside OSHA* about OSHA's decision in *Secretary of Labor v. Knock Out Homes, Inc.* which reinstates a Colorado construction company's appeal of several OSHA citations with a proposed penalty of \$41,349, overturning an administrative law judge's (ALJ) default judgment against the employer over its failure to respond to the proceeding. It marks the second time in just over a month that the commission has held that a lower court judge acted too harshly by dismissing a case because an employer failed to meet filing deadlines, following a similar Dec. 2 decision in *Secretary of Labor v. Generational Buildings*. "It is a signal from the commissioners to the judges, that they need to be more lenient in examining reasons why a case should be dismissed or summary judgment entered simply on a failure to respond timely to either a citation or a complaint," said Jim.

To read more of this article, [click here](#). (Subscription Required)

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