

*OSAB file*

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

In the Matter of	)	CASE NO. OSAB 81-4
	)	(109-81)
DIRECTOR, DEPARTMENT OF	)	
LABOR AND INDUSTRIAL	)	
RELATIONS, Complainant,	)	
	)	
vs.	)	
	)	
EAGLE CONSTRUCTION CO.,	)	
Respondent.	)	

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 LIR APPEALS BOARD  
 STATE OF HAWAII

DECISION AND ORDER

This occupational safety and health case is before the Board on a written contest by EAGLE CONSTRUCTION CO. of the Director's Citation and Notification of Proposed Penalty issued on February 6, 1981. The Citation charges that on February 2, 1981, the company violated Section 324.2-3A of the State Occupational Safety and Health Standards by failing to provide a hood guard for a twelve-inch circular hand-fed rip saw which was being used, in addition to milling and trimming, for cross-cutting of "two-by-fours" and ripping on the Habilitat jobsite in Kaneohe.

The only issue is whether cross-cutting of "two-by-fours" and ripping were done using the twelve-inch rip saw without a hood guard.

FINDINGS OF FACT

1. There is no dispute that the saw did not have a hood guard on the date of the inspection by the DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS.

2. Cross-cutting of "two-by-fours" and ripping were done on several occasions using the twelve-inch rip saw without a hood guard.

CONCLUSIONS OF LAW

Employer EAGLE CONSTRUCTION CO. violated  
Section 324.2-3A of the State Occupational Safety and  
Health Standards.

ORDER

The Citation and Proposed Penalty issued on  
February 6, 1981, relative to violation of Section 324.2-3A  
is hereby affirmed. EAGLE CONSTRUCTION CO. is hereby  
ordered to pay the sum of ninety dollars (\$90.00).

DATED: Honolulu, Hawaii, NOV 17 1981.

  
\_\_\_\_\_  
E. JOHN McCONNELL, Chairman

I CONCUR:

EXCUSED  
\_\_\_\_\_  
YUKIO TAKEMOTO, Member

  
\_\_\_\_\_  
JAMES H. TAKUSHI, Member

I do hereby certify that the foregoing  
is a full, true and correct copy of  
the original on file in this office.

  
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