

LABOR AND INDUSTRIAL RELATIONS APPEALS BOARD

STATE OF HAWAII

In the Matter of)
DIRECTOR, DEPARTMENT OF LABOR)
AND INDUSTRIAL RELATIONS,)
Complainant,)

vs.)

ADMIRAL ARTHUR W. RADFORD)
HIGH SCHOOL,)
Respondent.)

CASE NO. OSAB 92-004
(OSHCO No. C7349)
(Report No. 103821096)

FILED
STATE OF HAWAII
92 MAY 15 09:17

DECISION AND ORDER

This occupational safety and health case is before the Board on written notice of contest dated August 1, 1991 by Respondent ADMIRAL ARTHUR W. RADFORD HIGH SCHOOL. Complainant, by its attorney, filed a motion to dismiss the notice of contest on the grounds the notice of contest was not timely filed.

The sole issue before the Board is whether Respondent's written notice of contest was filed within the period established by §396-11, Hawaii Revised Statutes (HRS).

FINDINGS OF FACT

1. A Citation and Notification of Penalty ("Citation") dated June 12, 1991 issued by the Department of Labor and Industrial Relations, Division of Occupational Safety and Health ("DOSH") was received by Respondent on June 12, 1991.
2. Respondent's written notice of contest of the Citation was filed with DOSH on August 13, 1991.
3. July 2, 1991 was the last day to perfect the appeal.

