

OCCUPATIONAL SAFETY & HEALTH REVIEW COMMISSION
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Press Release

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OSHRC to Post on Web ALJ Decisions Undergoing Review by the Commission

The Acting Chairman of the Occupational Safety and Health Review Commission (OSHRC), Thomasina Rogers, announced today that OSHRC will begin posting on its website Administrative Law Judges (ALJs) decisions that are under review. The Commission's past practice has been to withhold posting such ALJ decisions until appeal rights at the Commission have been exhausted; in some cases, this process has taken a number of years. "During the pendency of a case at OSHRC, the public has a right to full access to the ALJ decision," said the Acting Chairman, "and should not have to wait many months or longer until the Commission finishes its review."

OSHRC is an independent Federal agency created to decide contests of citations or penalties resulting from inspections of American work places by the Occupational Safety and Health Administration (OSHA) of the Department of Labor. An employer who is cited by OSHA for an alleged workplace health or safety violation can contest the OSHA citation and have the case heard by a Commission ALJ, who ultimately issues a decision. ALJ decisions can then be appealed to the Commission, whose Members are Presidential appointees.

In an effort to ensure greater transparency, the Commission will post ALJ decisions directed for review shortly after they have been directed. In addition, there are eighteen ALJ decisions currently pending Commission review which will now be available on the Commission's website at:
<http://www.oshrc.gov>.

In some cases, employee names have been redacted to protect personal privacy. Posted ALJ decisions under review will include a disclaimer on the first page indicating they are not final Commission decisions. Once the Commission issues its decision on review of an ALJ decision, the ALJ decision will be appended to the Commission decision on the website, as is currently the practice. ALJ decisions which have not been directed for review will continue to be posted shortly after they become Commission final orders.

"On his first full day in office, President Obama directed agencies to promote transparency, take affirmative steps to make information publicly available, use modern technology, and not wait for specific requests from the public. Ensuring greater public access to decisions by our ALJs is consistent with the President's commitment to open government," Acting Chairman Rogers said.