

## **Holloway, Jay**

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### **BOARD**

#### **Jurisdiction in WISHA appeal (RCW 49.17)**

The Board does not have jurisdiction to consider an appeal from a Department decision not to conduct an inspection of the work site or issue a citation for alleged violations of Industrial Safety and Health Act. ....*In re Jay Holloway, BIIA Dec., 91 3679 (1991)*

### **SAFETY AND HEALTH**

#### **Appeals**

RCW 49.17 does not permit employee to appeal to the Board a Department decision not to conduct an inspection of a work site or issue a citation for alleged violations of Industrial Safety and Health Act. ....*In re Jay Holloway, BIIA Dec., 91 3679 (1991)*

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**BEFORE THE BOARD OF INDUSTRIAL INSURANCE APPEALS  
STATE OF WASHINGTON**

**IN RE: JAY S. HOLLOWAY** ) **DOCKET NO. 91 3679**  
 )  
**CLAIM NO. M-699854** ) **ORDER DENYING APPEAL**

An appeal was filed by Jay S. Holloway on August 2, 1991 from a letter of the Department of Labor and Industries dated June 12, 1991. In that letter the Regional Administrator of the Department's Safety and Health Division refused to perform another inspection of the flooring at the employer's work site and concluded that the floor was in good repair and not causing a hazard to employees working there.

Our jurisdiction generally extends to any decision, order or award of the Department concerning the administration of Title 51 RCW (the Industrial Insurance Act. RCW 51.52.050. It is apparent that this appeal, however, does not concern industrial insurance, but matters of employee safety and health. To that extent our jurisdiction is determined by 49.17 RCW.

There is no provision in 49.17 RCW which permits an employee to appeal, to the Board, a Department decision not to conduct an inspection of the work site or not to enter a citation for alleged violations of the Industrial Safety and Health Act. The only jurisdiction we have with respect to safety and health appeals by an employee relates to appeals concerning the reasonableness of an abatement date as specified in a citation by the Department. RCW 49.17.140(3). Accordingly, the appeal filed by Mr. Holloway from the letter of June 12, 1991 is hereby denied.

It is so ORDERED.

Dated this 11<sup>th</sup> day of September, 1991.

BOARD OF INDUSTRIAL INSURANCE APPEALS

/s/ \_\_\_\_\_  
S. FREDERICK FELLER                      CHAIRPERSON

/s/ \_\_\_\_\_  
FRANK E. FENNERTY, JR.                      MEMBER

/s/ \_\_\_\_\_  
PHILLIP T. BORK                                      MEMBER