

Williams reportedly dug a 12-foot deep trench on a construction site. The employees routinely cleaned a pump at the bottom of the trench to keep water out and the trench filling up. Reportedly Palomar and Aguiniga entered the trench to work on the pump when suddenly one side collapsed, killing Aguiniga and injuring Palomar.

After OSHA arrived and inspected the working conditions, the company was fined for three serious safety violations of **\$7,000** each and one willful violation for **\$70,000** for not properly training employees for a total of **\$91,000** worth of fines. OSHA also found that the trench did not have any supports and current employees were not prepared to handle such a circumstance. The court also determined that two employees had previously been inside the trench with no supervision before the accident occurred. An ALJ (Administrative Law Judge) then heard the hearing and asked the current employees to testify. According to their testimony, many employees admitted that they had received very minimal safety training overall and no training involved with trenches. Williams claimed otherwise, stating adequate training with handling trenches and appropriate safety precautions put in place.

The court initially ruled that the penalties were valid but decided to reduce the cost from **\$91,000 to \$22,000** by changing the willful to a serious violation since the company had a clean track record. Williams appealed on the same basis that there were no safety issues from the trench, but the commission denied it. Williams then took the case to the appellate court. The court held the original ruling stating that Williams had provided no training for handling trenches, had no safety measures to prevent cave-ins, nor had any warnings against cave-ins. The appellate court also found that none of the managers at Williams understood the OSHA laws. Williams argued that an employee should not purposely place themselves into danger, but the

court held that stating such a claim violates the purpose of OSHA. Finally, the court held because Williams made no effort to ensure proper trench safety and allowed employees to enter on the day of the collapse.

The ALJ findings satisfied the substantial evidence standard.