United States of America
OCCUPATIONAL SAFETY AND HEALTH REVIEW COMMISSION
1120 20th Street, N.W., 9th Floor
Washington, DC 20036-3457

Secretary of Labor,
Complainant
v.
Hernandez Remodeling & Construction, Inc.,
Respondent.

OSHRC Docket No.: **25-0811**

ORDER GRANTING SECRETARY'S RENEWED MOTION TO COMPEL AND ORDER DISMISSING RESPONDENT'S NOTICE OF CONTEST

Before this Court is the Secretary of Labor, United States Department of Labor's (Secretary) Renewed Motion to Compel discovery responses to the Secretary's Requests for Production, Interrogatories and Requests for Admissions due on September 30, 2025, having been served August 29, 2025, on Hernandez Remodeling & Construction, Inc., to which Respondent has failed to respond. As a result, the Secretary also seeks dismissal of Respondent's Notice of Contest. On June 17, 2026, this Court issued an Order to Show Cause[1] regarding Respondent's failure to respond to the Secretary's discovery requests, to which, as of the date of this Order, no response has been received.

Respondent's unresponsiveness exhibits total disregard for this Court's June 17, 2026, Order, these proceedings, and the Commission's Rules of Procedure. *See* 29 C.F.R. § 2200.52(f)(4) (authorizing judges to issue a judgment of default when a party refuses or obstructs discovery). Indeed, Respondent's failure to comply has prejudiced the Acting Secretary's ability to prepare for trial.

Moreover, throughout these proceedings Respondent repeatedly disregarded this Court's orders and has shown a pattern of disregard for Commission proceedings. Therefore, the Acting Secretary's Motion for Sanctions is **GRANTED**.

[1] Amended to correct case caption regarding the company name.

ORDER

Respondent's Notice of Contest for OSHRC Docket No. 25-0811 is **HEREBY DISMISSED**. The Citation and Notification of Penalty issued on May 23, 2025, Inspection No. 1791002 is affirmed as follows:

1. Citation 1, Item 1, setting forth a violation of 29 C.F.R. § 1926.501(b)(13) is **AFFIRMED** as a Willful-Serious violation and a penalty of **$165,514.00** is **ASSESSED**.

SO ORDERED.

/s/

Judge Sharon D. Calhoun
Administrative Law Judge

Date: October 16, 2026
Washington, DC