



June 30, 2020

Occupational Safety and
Health Review Board
443 Lafayette Road N.
St. Paul, MN 55155

**Re: Commissioner v. Berry Global Films, LLC
Inspection No. 318151438
Response to Petition to Vacate**

Dear Occupational Safety and Health Review Board Members:

I am counsel for the Minnesota Occupational Safety and Health Administration division (“MNOSHA”) of the Department of Labor and Industry in the above-referenced matter.

Petitioner Berry Global Films, LLC (“Petitioner”) filed a Petition to Vacate the Commissioner’s May 15, 2020, Final Order (“Commissioner’s Final Order”). In its Petition, Petitioner states that, on March 30, 2020, a United States Postal Service mail carrier delivered and signed for the Citation and Notification of Penalty (“Citation”) without Petitioner’s knowledge due to COVID-19 concerns. Petitioner asserts that it retrieved the Citation from its mailbox on April 1, 2020, and then timely filed its Notice of Contest on April 21, 2020.

MNOSHA takes no position on Petitioner’s Petition to Vacate. MNOSHA requests that the Review Board determine whether Petitioner has demonstrated good cause to vacate the Commissioner’s Final Order as required by Minnesota Statutes, section 182.664, subdivision 5 (2018).

Petitioner Berry Global Films, LLC is served with a copy of this letter as stated in the enclosed Affidavit of Service.

Respectfully submitted,

s/ Matthew P. Jobe
General Counsel
Office of General Counsel
Minnesota Department of Labor and Industry
(651) 284-5019 (main)
(651) 284-5725 (fax)

Enclosures

cc: Jim Krueger and Ev Kuehl, MNOSHA
Todd B. Logsdon and Chantell C. Foley, counsel for Berry Global Films, LLC

Equal Opportunity Employer

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June 30, 2020

Occupational Safety and
Health Review Board
443 Lafayette Road N.
St. Paul, MN 55155

**Re: Commissioner v. Berry Global Films, LLC
Inspection No. 318151537
Response to Petition to Vacate**

Dear Occupational Safety and Health Review Board Members:

I am counsel for the Minnesota Occupational Safety and Health Administration division (“MNOSHA”) of the Department of Labor and Industry in the above-referenced matter.

Petitioner Berry Global Films, LLC (“Petitioner”) filed a Petition to Vacate the Commissioner’s May 15, 2020, Final Order (“Commissioner’s Final Order”). In its Petition, Petitioner states that, on March 30, 2020, a United States Postal Service mail carrier delivered and signed for the Citation and Notification of Penalty (“Citation”) without Petitioner’s knowledge due to COVID-19 concerns. Petitioner asserts that it retrieved the Citation from its mailbox on April 1, 2020, and then timely filed its Notice of Contest on April 21, 2020.

MNOSHA takes no position on Petitioner’s Petition to Vacate. MNOSHA requests that the Review Board determine whether Petitioner has demonstrated good cause to vacate the Commissioner’s Final Order as required by Minnesota Statutes, section 182.664, subdivision 5 (2018).

Petitioner Berry Global Films, LLC is served with a copy of this letter as stated in the enclosed Affidavit of Service.

Respectfully submitted,

s/ Matthew P. Jobe
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Enclosure

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