ORIGINAL

No. 24-6944

IN THE

SUPREME COURT OF THE UNITED STATES

Andrew Isaacs — PETITIONER
(Your Name)

vs.

Interplex Sunbelt, Inc., et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

First District Court of Appeal, State of Florida
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Andrew Isaacs
(Your Name)

1880 NW 59 Ave., #B
(Address)

Sunrise, Florida 33313
(City, State, Zip Code)

954-618-9028
(Phone Number)

QUESTION(S) PRESENTED

1. When a Judge of Compensation Claims (JCC) rules a lack of jurisdiction over an employee's claim of a Fourteenth Amendment violation, does such a determination create an unconstitutional judicial void, discarding the principles of a judicial act and rendering the subsequent compensation order null and void?

2. Does Chapter 440, Florida Statutes, preclude the application of OSHA regulations, rendering it repugnant to the Fourteenth Amendment's Equal Protection Clause and denying injured employees fair legal recourse?

3. Does merging multiple job functions into a single, lower-paying classification to constructively reduce labor costs constitute wage discrimination in violation of labor laws?

4. Does employers' refusal to disclose hazardous chemicals by withholding requested Safety Data Sheet (SDS) violate OSHA regulations, constituting willful disregard for workplace safety and diminishing national productivity?

5. Does employers' failure to provide training on the clean-up operation of hazardous chemicals violate OSHA regulations, exacerbating workplace injuries, increasing healthcare costs, and undermining workforce safety?

6. Does employers' failure to comply with its Hazard Communication (HazCom) program, including training and chemical disclosure, prioritize operating results over worker safety, increasing accident rates and enabling corporate impunity?

7. Can employers' non-compliance with state statutory provisions, OSHA regulations, and the Fourteenth Amendment serve as affirmative defenses against the denial of workers' compensation claims, ensuring greater justice for injured employees?

LIST OF PARTIES

[ ] All parties appear in the caption of the case on the cover page.

[✓] All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

- The Travelers Indemnity Company
- Charter Oak Fire Insurance Company

RELATED CASES

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

[ ] For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

[☑] For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix A to the petition and is

[☑] reported at 2025 Fla. App. LEXIS 282 *; 2025 WL 63159 ; or,
[ ] has been designated for publication but is not yet reported; or,
[ ] is unpublished.

The opinion of the Office of the Judges of Compensation Claims court appears at Appendix B to the petition and is

[ ] reported at _____; or,
[ ] has been designated for publication but is not yet reported; or,
[☑] is unpublished.

JURISDICTION

[ ] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

[ ] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[✓] For cases from **state courts**:

The date on which the highest state court decided my case was January 10, 2025. A copy of that decision appears at Appendix A.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitution:

United States

Statutes:

Federal

Florida

STATEMENT OF THE CASE

This petition for writ of certiorari challenges the First District Court of Appeal's affirmation of the final compensation order issued on July 27, 2023, by the Office of the Judges of Compensation Claims ("OJCC"). Petitioner was employed by Interplex Sunbelt Inc. ("Respondent") at its Sunrise, Florida, facility from April 4, 2022, as an automation operator working on the AU10 machine—processing needles through an undisclosed, hazardous chemical solution. Despite repeated, well-documented requests for the Safety Data Sheet (SDS), *see* Appendix Q, and appropriate hazardous chemical identification, the employer failed to provide these critical disclosures. This omission, coupled with misrepresentations regarding clean-up operations (falsely merging "wipe down" with "clean-up"), created a hostile, unsafe working environment that led to untreated work-related injuries and ultimately, Petitioner's constructive discharge on November 2, 2022. *See* Appendix P. It took eighty-five (85) days after Petitioner's August 3, 2022 memorandum ("Extended Pattern and Practice of Harassment & Hostile Work Environment"), *see* Appendix L, informing human resources of Petitioner's medical signs and symptoms before Respondent sent Petitioner to a medical facility where he was evaluated by a family doctor.

Moreover, the Respondent's willful noncompliance with OSHA's Right-to-Know, Hazard Communication (HazCom) program, and training certification, not only resulted in Petitioner's injuries but also brings into question broader public health and safety, by disregarding immediate medical treatment, wellness and efficiency in the workforce. *See* Appendix E, at ¶ 7; Appendix F (29 CFR 1910.120(f)(3)(ii)(A)); (Vol. II: Appx.: 15); Appendix H; Appendix M; and Appendix R. "This occupational safety and health standard is intended to address comprehensively the issue of classifying the potential hazards of chemicals, and communicating information

concerning hazards and appropriate protective measures to employees, and to preempt any legislative or regulatory enactments of a state, or political subdivision of a state, pertaining to this subject. [. . .]." (Emphasis added.) Appendix E, at ¶ 7, 29 CFR § 1910.1200(a)(2). There is no evidence in the record of any information notifying Petitioner to get a medically authorized evaluation, where Petitioner failed to do so, that complied with Florida statutes. The facts show that Respondent acted with willful OSHA noncompliance, fraudulent misrepresentation, and deliberate disregard for the statutory rights of Petitioner under Florida law.

The JCC denied Petitioner's equal protection of the laws under the Fourteenth Amendment, and as such the JCC's final compensation order was not clothed in a judicial act, whose unconstitutionality was a due process violation, making said order void from inception. *See* Appendix B, "Compensability", at ¶ 16 ("Furthermore, I have no jurisdiction over [Petitioner's] claim of violation of the Fourteenth Amendment to the U.S. Constitution." (Emphasis added.)); *Cooper v. Aaron,* 358 U.S. 1 (1958); *Old Wayne Mut. Life Ass'n v. McDonough,* 204 U.S. 8 (1907) (holding "that the judgment in Pennsylvania was not entitled to the faith and credit which, by the Constitution, is required to be given to the public acts, records, and judicial proceedings of the several states, and was void as wanting in due process of law") (Emphasis added.); *Sramek v. Sramek,* 840 P.2d 553, 17 Kan. App. 2d 573 (Kan. Ct. App. 1992) ("A judgment is void if the court that rendered it lacked jurisdiction of the parties or if its actions resulted in a denial of due process."). The JCC conflated the concepts of jurisdiction and the Fourteenth Amendment affirmative defense.

The evidentiary record—comprising conflicting deposition testimony, lack of training, and a medical evaluation by a family doctor taking place 85 days after notifying Respondent of Petitioner's symptoms —supports a reasonable inference for Petitioner's workplace injuries,

bearing symptoms of stiffness and numbing sensation in both hands and arising from hazardous chemical exposure identified in the SDS. *See Schafrath v. Marco Bay Resort, Ltd.,* 608 So. 2d 97 (Fla. 1st DCA 1992) (In workers' compensation cases, the claimant must "prove or show a state of facts from which it may be reasonably inferred" that the claimant was injured during the course and scope of employment. [*Johnson v. Koffee Kettle Restaurant,* 125 So.2d 297, 299 (Fla. 1960).] Thus, "[i]f the evidence to establish such a state of facts is competent and substantial and comports with reason or from which it may be reasonably inferred," then "it is sufficient." 125 So.2d at 299.). (Emphasis added.)

Fla. Admin. Code R. 60Q-6.113(2)(h), states in part: "Any affirmative defense or avoidance, including any defense raised pursuant to Sections 440.09(4)(a) and 440.105, F.S., must be raised with specificity, detailing the conduct giving rise to the defense or avoidance. [...]" (Emphasis added.) Petitioner raised affirmative defenses with specificity based on OSHA regulations administered pursuant to § 440.44(1), Fla. Stat., on other Florida Statutes, and on various types of estoppel and doctrine of laches. *See* Appendix E, at ¶ 13, (Vol. II: Appx.: 7, 11 – 15). The final compensation order stated, "[t]he JCC does not have jurisdiction over the avoidance/affirmative defenses listed by [Petitioner] in numbers one through nine." (Emphasis added.) *See* Appendix B, "Employer/Carrier's Affirmative Defenses", at ¶ 2; (Vol. II: Appx.: 7). The following cases clearly illustrate *affirmative defenses* in workers, compensation claims:

i. *City of Hialeah v. Bono*, 207 So.3d 1030, (Fla. 1st DCA 2017) ("It is illegal for any person to 'knowingly make, or cause to be made, any false, fraudulent, or misleading oral or written statement for the purpose of obtaining or denying any benefit or payment' under the Workers' Compensation Law. § 440.105(4)(b) 1., Fla. Stat. (2013)").

ii. *Teco Energy, Inc. v. Williams,* 234 So.3d 816, 823 (Fla. 1st DCA 2017) ("Waiver and estoppel are affirmative defenses which must be plead carefully or forever waived. *McKenzie Tank Lines, Inc. v. McCauley,* 418 So.2d 1177,

1180 (Fla. 1st DCA 1982). The party raising affirmative defenses has the burden of pleading and proving them. Id. at 1180. ").

iii. *Hack v. Drywall,* 46 So.3d 1137, 1138 (Fla. 1st DCA 2010) ("A review of the JCC's order reveals she appeared to conflate the concepts of jurisdiction and the affirmative defenses of accord/satisfaction, release, waiver, and equitable estoppel. "). (Emphasis added.)

iv. *Zaldivar v. Okeelanta Corp.*, 877 So. 2d 927, 931 (Fla. 1st DCA 2004) ("This court has ruled that for laches to apply in the general equitable context, the plaintiff must have both knowledge of the defendant's conduct, and have been afforded the opportunity to institute an action.").

Like in *Hack,* the JCC, in the instant case, "conflate[d] the concepts of jurisdiction and [Petitioner's] affirmative defenses." *Cf.* supra, at p. 5. The pattern reveals not just errors in the JCC's rulings; but, more importantly, it is the fact that Petitioner was denied due process of law when the JCC absolved himself of jurisdiction. *See Old Wayne Mut. Life Ass'n v. McDonough,* 204 U.S. 8 (1907). In essence, the JCC challenged the inscape of the Fourteenth Amendment. A challenge that is unconstitutional. "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it." (Emphasis Added.) *Cooper v. Aaron,* 358 U.S. 1 (1958). Further, based upon Petitioner's right-to-know requests for SDS disclosure, the Respondent willfully made a false statement with the intent to deny Petitioner of benefits in violation of Florida Statutes and OSHA regulations. *See* Appendix N; Appendix O; Appendix E, at ¶¶ 7 and 9; *City of Hialeah v. Bono,* 207 So.3d 1030, 1031 (Fla. 1st DCA 2017). Respondent withheld the SDS for the entirety of Petitioner's employment of about seven (7) months. *See* Appendix F, at 29 CFR § 1910.120(c)(8), Employee notification. Therefore, laches is an equitable defense against any argument by Respondent who seeks suddenly to address its dereliction of legal duty.

In the proceedings in the OJCC and the First District Court of Appeal, State of Florida, the Petitioner raised the question of the applicability of the Fourteenth Amendment and OSHA regulations, but received adverse ruling:

A. [Petitioner's] Notice of [Respondent's] Untimely Production of Documents, filed February 14, 2023. Appendix V, at ID 46;

B. [Petitioner's] Notice of Fundamental Errors; Notice of Coercion; and Notice of Tampering with and Harassing [Petitioner], filed February 17, 2023. Appendix V, at ID 50;

C. Motion for Findings of Fact and Conclusions of Law, [actually entitled "Motion for Declaratory Judgment on Fundamental Errors . . ."], filed February 20, 2023. Appendix V, at ID 52;

D. Pretrial Stipulation, filed March 22, 2023. (Vol. II: Appx.: 7, 13 – 14);

E. Order denying motion for declaratory judgment, filed May 11, 2023. Appendix V, at ID 82;

F. Motion to Vacate, filed May 17, 2023. Appendix V, at ID 85;

G. Order denying Motion to Vacate, filed May 18, 2023. Appendix V, at ID 86;

H. Memorandum in Support of Final Hearing on July 10, 2023, filed July 5, 2023. Appendix V, at ID 105;

I. OJCC Final Compensation Order, filed July 27, 2023. Appendix B, "Compensability", at ¶ 16;

J. Petitioner's Initial Brief ("IB"), filed January 11, 2024, First District Court of Appeal, State of Florida. (IB: 4, 50 - 52); and

K. Petitioner's Reply Brief ("RB"), filed March 29, 2024, First District Court of Appeal, State of Florida. (RB: 15, 17).

L. Per curiam affirmed, January 10, 2025, First District Court of Appeal, State of Florida.

In addition to §§ 440.13(2)(a) and 440.44(1), Fla. Stat., *see* Appendix E, at ¶¶ 11 and 13— Respondent's quality manual provides the following:

5.1 Management Commitment (21 CFR 820.20)

Top Management, which consists of the General Manager /or Designee, the Quality Assurance Manager and the Operations Manager, with executive authority have been actively involved in the implementation of the Quality Management System (QMS). [...] They have provided evidence of their commitment to the development and implementation of the quality management system and maintaining its effectiveness by:

- Communicating the importance of meeting customer, statutory, and regulatory requirements.

[...]

Executive management has communicated with each employee via training and procedure the importance of meeting customer requirements and regulatory requirements.

[...]

5.4.1 Quality Objectives (21 CFR 820.20(a)

[...] Objectives have been established in the following areas:

[...]

- Safety & OSHA requirements

[...]

5.5.2 Management Representative (21 CFR 820.20(b3)

[...] The Management Representative has the following responsibility and authority:

[...]

- As appropriate, ensure the promotion of awareness of regulatory and customer requirements throughout the organization.

[...]

(Emphasis added.) Appendix U. *See* Appendix E, ¶ 4. Clearly, Respondent had a statutory and legal duty and, therefore, the Fourteenth Amendment provides equal protection of the laws.

The decision of the Judge of Compensation Claims ("JCC") on lack of jurisdiction over Fourteenth Amendment violation presents a conflict with *Cooper v. Aaron,* 358 U.S. 1 (1958) ("Thus the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the agency of the State taking the action[.]"). (Emphasis added.) Abandoning legal responsibilities and duties corrupts the very essence of the nation, turning it into something unrecognizable and dishonorable.

The Fourteenth Amendment is a cornerstone of constitutional law, ensuring equal protection of the laws and binding upon all judicial officers. Any judicial act that proceeds without the application of the Equal Protection Clause is unconstitutional.

REASONS FOR GRANTING THE WRIT

The Fourteenth Amendment is a constitutional guarantee with powerful implications and whose authority ensures equal protection of the laws. It is a fundamental principle that is subsumed in every judicial act, because any officer of the law who proceeds without the Fourteenth Amendment's Equal Protection Clause commits a constitutional violation.

In the instant case, the JCC made the declaration—affirmed by the First District Court of Appeal: "I have no jurisdiction over [Petitioner's] claim of violation of the Fourteenth Amendment to the U.S. Constitution." *See* Appendix B, "Compensability", at ¶ 16. This was not just a judicial error, but a judicial error that raises the question whether a judicial officer who, by his own declaration, separates himself from the Fourteenth Amendment causing an "unconstitutional" judicial void can do so in conformity with a judicial act.

The JCC's clearly *erroneous declaration* created an "unconstitutional" judicial void whereby the JCC disposed of normal judicial function and, therefore, the JCC's final compensation order could not have resulted from a judicial act and is ipso facto null and void. In excluding the Fourteenth Amendment's protection, the JCC's conduct not only deprived Petitioner of equal protection of the laws but, more importantly, removed the JCC's very own judicial authority. Without the Amendment's authority, the JCC's actions did not constitute a valid judicial act under the established judicial act test in *Stump v. Sparkman,* 435 U.S. 349 (1978) (providing the following elements for the presence of a judicial act: (a) normal activity, i.e., normal judicial function (b) judicial capacity, i.e., parties' expectation), and *Cronovich v. Dunn,* 573 F. Supp. 1330, 1335-36 (E.D. Mich. 1983) (requiring judicial act as both the exercise of discretion and the normal elements of a judicial proceeding). In the instant case, the JCC's exclusion of the Fourteenth Amendment is contrary to normal judicial function.

At the time of enactment of OSHA, the senate recognized the challenge to the worker. *See Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n,* 430 U.S. 442 (1977), at footnote 1, (quoting, Leg.Hist. 844-845) ("The issue of the health and safety of the American working man and woman is the most crucial one in the whole environmental question . . . , the worst problem confronting American workers[.]").

A. Fourteenth Amendment

Fourteenth Amendment, Section 1:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

In Cooper v. Aaron, 358 U.S. 1 (1958), this Court emphasized:

> "Whoever, by virtue of public position under a State government, . . . denies or takes away the equal protection of the laws, violates the constitutional inhibition; and as he acts in the name and for the State, and is clothed with the State's power, his act is that of the State. [...] Thus the prohibitions of the Fourteenth Amendment extend to all action of the State denying equal protection of the laws; whatever the agency of the State taking the action[.]"

(Emphasis added.)

The Fourteenth Amendment's authority applies universally, obligating judicial officers to uphold its guarantees. Its provisions are not discretionary. Judicial decisions that disregard this Amendment constitute constitutional violations and result in invalid judicial acts.

In the instant case, the JCC declared: "I have no jurisdiction over [Petitioner's] claim of violation of the Fourteenth Amendment to the U.S. Constitution." Appendix B, "Compensability", at ¶ 16. This statement, affirmed by the First District Court of Florida,

demonstrates a blatant denial of equal protection of the laws. By dismissing the authority of the Fourteenth Amendment, the JCC abandoned its judicial duty and created an unconstitutional void, undermining its own jurisdiction.

This Court has held that harmless error in workers' compensation cases occurs only when "but for error, a different result may have been reached." *Witham v. Sheehan Pipeline Constr. Co.*, 45 So.3d 105, 109 (Fla. 1st DCA 2010). In light of this standard, the JCC's failure to apply the Fourteenth Amendment is not harmless but a profound constitutional breach.

This case conflicts with the precedent set in *Cooper v. Aaron,* 358 U.S. 1 (1958), which firmly established that the Fourteenth Amendment binds all state agencies and judicial actions. The JCC's statement and conduct flagrantly violate this principle, stripping the Fourteenth Amendment of its essential protections and authority.

The Fourteenth Amendment remains a cornerstone of constitutional law, ensuring equal protection of the laws in every forum. This Court's intervention is necessary to preserve its vitality. A breakdown in the Amendment's application would have devastating consequences for the rule of law nationwide.

For these reasons, this Court should grant review to uphold the Fourteenth Amendment's foundational guarantees and ensure that all judicial officers honor their constitutional obligations.

B. State Statutory Recognition of OSHA

Under § 440.44(1), Fla. Stat., the Florida Legislature explicitly recognizes the relevance of federal social and labor acts, stating:

> INTERPRETATION OF LAW.—As a guide to the interpretation of this chapter, the Legislature takes due notice of federal social and labor acts and hereby creates an agency to administer such acts passed for the benefit of employees and employers in Florida industry, and desires to meet the requirements of such federal acts wherever not inconsistent with the Constitution and laws of Florida.

(Emphasis added.) Appendix E, at ¶ 13.

This statute confirms that OSHA regulations apply to workers' compensation claims in Florida, ensuring consistency with federal labor laws. Moreover, the Fourteenth Amendment's guarantee of equal protection of the laws must be upheld and cannot be disregarded by any state entity, including the JCC. Respondent qualifies as an employer under the Occupational Safety and Health Act ("Act"). *See* Appendix E, at ¶ 2.

The JCC's decision to disclaim jurisdiction over the Fourteenth Amendment violation conflicts with JCC's statutory obligation and constitutional duties. This Court's supervisory power should be exercised to reverse the JCC's error, ensuring consistency in the law and the faithful application of the Fourteenth Amendment.

A reversal holds critical implications for workers' compensation claims, enabling the validation of claims otherwise dismissed and increasing scrutiny of employer fraud that undermines public policy regarding workplace safety and health. Failure to address the Respondent's actions risks further erosion of constitutional protections, as these actions plant the seeds of greater systemic harm.

Justice Tanenbaum's concurrence in *Ford Motor Credit Co. v. Parks,* 338 So. 3d 1070 (Fla. 1st DCA 2022), reinforces the necessity of strict adherence to the law: "In the American judicial enterprise, however, there is no room for play in the joints (so to speak) when it comes to faithfully applying the law, not even in a small-claim case." (Emphasis added.)

Furthermore, this Court's precedent in *Schneckloth v. Bustamonte,* 412 U.S. 218 (1973) (quoting *Boyd v. United States,* 116 U.S. 616, 635 (1886)), highlights the insidious nature of unconstitutional practices:

> [I]llegitimate and unconstitutional practices get their first footing [...] by silent approaches and slight deviations from legal modes of procedure. [...] It is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.

(Emphasis added.)

This case exemplifies the creeping threat of constitutional erosion when statutory and constitutional guarantees are dismissed. To preserve the integrity of the Fourteenth Amendment and uphold public confidence in judicial processes, this Court must intervene to correct the JCC's error and ensure the proper application of OSHA regulations in Florida.

C. Respondent's OSHA Violations

Respondent failed to comply with critical Occupational Safety and Health Administration (OSHA) requirements, including:

1. Failure to provide Petitioner with necessary information and preparation for engaging in hazardous clean-up operation.

2. Failure to notify Petitioner of hazardous chemical conditions prior to commencement of work. *See* Appendix F, at 29 CFR § 1910.120(c)(8), Employee notification.

3. Failure to train Petitioner for hazardous waste operations. *See* Appendix F, at 29 CFR §1910.120(e)(6), Training certification; Appendix H; Appendix M.

4. Failure to document Petitioner's injuries in an OSHA injury report.

5. Failure to conduct frequent medical examinations and consultations for proper medical surveillance related to hazardous chemical exposure.

Such lapses violate the principles established in *Nat'l Realty & Constr. Co. v. OSHRC,* 489 F.2d 1257, 1266–67 (D.C. Cir. 1973), which asserts: "[a]ll preventable forms and instances of hazardous conduct must ... be entirely excluded from the workplace." Respondent's Training Matrix Report and Training Form confirm the absence of documented training for Petitioner in clean-up operation, SDS disclosure, and hazardous chemical notifications. *See* Appendix H; Appendix M.

As of November 1, 2022, the day prior to Petitioner's constructive discharge, Respondent had failed to eliminate all preventable hazardous exposures, further violating OSHA standards. Congress, in enacting OSHA, recognized the severity of workplace safety violations, which pose a "drastic" national problem. *Atlas Roofing Co. v. Occupational Safety and Health Review Comm'n,* 430 U.S. 442, 445–446 (1977), underscores Congress's findings regarding the inadequacy of state remedies for protecting employees from unsafe working conditions.

During OSHA's legislative process, the United States Senate highlighted alarming workplace statistics, including:

- 14,500 annual fatalities from industrial accidents.
- 2.2 million disabilities annually, resulting in the loss of 250 million man-days of work.
- Economic impacts exceeding $1.5 billion in lost wages and $8 billion loss to the Gross National Product annually.

(S.Rep. No. 91-1282, p. 2 (1970), Leg.Hist. 142; H.R.Rep. No. 91-1291, pp. 14–15 (1970), Leg.Hist. 844–845) ("The issue of the health and safety of the American working man and woman is the most crucial one in the whole environmental question . . . , the worst problem confronting American workers[.]").

The Senate's findings emphasize the critical need for strict adherence to workplace safety regulations to protect workers' health and prevent tragic outcomes for families. Respondent's OSHA violations contribute to systemic workplace risks, which burden healthcare costs and disrupt public resources. Tight reimbursement policies in the insurance industry further highlight the national impact of safety violations, as they strain healthcare providers' incomes and services.

This Court must act to impose sanctions against Respondent and ensure employer accountability for workplace safety violations, given the far-reaching implications on public welfare and the national economy.

D. False Statement

On September 15, 2022, Petitioner requested the Safety Data Sheet ("SDS") from human resources manager Diana Perry via email on account of chemical exposure. *See* Appendix N. Ms. Perry responded: "*I cannot give you a copy of the SDS because of the specific arrangements we have in place with our customers.*" (Italics added) Appendix O. However, the SDS explicitly listed chemical concentrations and provided warnings of known dangers. *See* Appendix Q.

Ms. Perry's response violated both OSHA's Right-to-Know regulation and Respondent's HazCom Program, which explicitly states: "Copies of the written program, including the written chemical inventory list and SDS, will be made available upon request." (Emphasis added.); (Vol.

II: Appx.: 39). *See* Appendix E, at ¶ 7, 29 CFR 1910.1200 - Hazard Communication Standard ("Right-to-Know"). Such a blatant denial contradicts the Hazard Communication Standard. *See* Appendix R (Hazard Communication Program). Moreover, the precedent set in *Cunningham v. Anchor Hocking Corp.,* 558 So.2d 93 (Fla. 1st DCA 1990), rev. denied, 574 So.2d 139 (Fla. 1990), illustrates that bad-faith dealings by employers involving deliberate compromises to health and safety, including misrepresentation, are actionable.

Under § 440.105(4)(b)1, Fla. Stat., it is illegal to knowingly make false or misleading statements to deny benefits under the Workers' Compensation Law. The statute establishes a two-part inquiry:

1. Determining whether a false or fraudulent statement was made.

2. Evaluating whether the statement was made with intent to obtain or deny benefits.

See City of Hialeah v. Bono, 207 So. 3d 1030, 1031 (Fla. 1st DCA 2017)); Appendix E, ¶ 9.

False statements also encompass representations made "without knowledge as to either truth or falsity" or under circumstances in which the representor "ought to have known" the falsity. *The Bear, Inc. v. Crocker Minzer Park, Inc.,* 648 So. 2d 168, 172 (Fla. 4th DCA 1994); *City of Hialeah v. Bono,* 207 So. 3d at 1031). Ms. Perry's denial fell squarely within these parameters of misrepresentation.

Employers who engage in deceptive practices not only harm employees but compromise national productivity and global competitiveness. Deceptive practices erode workplace morale and loyalty while burdening the economy and public welfare. This Court should intervene to

uphold fairness, preserve this nation's foundational work ethic, and protect employees from such harmful conduct.

E. Fraudulent Misrepresentation

Ms. Perry knowingly made a false statement by refusing to provide the Safety Data Sheet (SDS) requested by Petitioner, despite its relevance to his chemical exposure. This action, intended to hinder Petitioner's investigation into the hazardous chemical interactions, subjected him to repeated exposure, constituting fraudulent misrepresentation.

Under Florida law, the four elements of fraudulent misrepresentation are:

1. A false statement concerning a material fact.

2. The representor's knowledge that the statement is false.

3. An intention to induce action based on the statement.

4. Consequent injury from reliance on the false statement.

Butler v. Yusem, 44 So. 3d 102, 105 (Fla. 2010); *Johnson v. Davis,* 480 So. 2d 625, 627 (Fla. 1985)).

Fraudulent misrepresentation also includes the intentional omission of a material fact. Such omissions, aimed at inducing action, are legally equivalent to false statements. *Ward v. Atl. Sec. Bank,* 777 So.2d 1144, 1146 (Fla. 3d DCA 2001); *Solorzano v. First Union Mortg. Corp.,* 896 So.2d 847, 849 (Fla. 4th DCA 2005)).

Fraudulent conduct by employers, like Respondent's, has broad consequences. It leads to civil and criminal liabilities, diminishes national productivity, undermines business valuations, and damages public trust. This Court must intervene to preserve the integrity of business

practices, emphasizing that fraud is intolerable as it erodes good-faith dealings essential to economic planning.

F. Respondent's Duty to Petitioner

Respondent had a clear duty to Petitioner under OSHA's General Duty Clause (§ 5(a)(1)) and Special Duty Clause (§ 5(a)(2)) of the Occupational Safety and Health Act of 1970. These duties are codified under 29 U.S.C. § 654, accordingly:

1. Employers must provide workplaces free from recognized hazards likely to cause death or serious physical harm ("General Duty Clause").
2. Employers must comply with occupational safety and health standards ("Special Duty Clause").

See Appendix E, at ¶ 3.

To prove a violation of the General Duty Clause, the following elements must be established:

1. A workplace activity or condition presented a hazard.
2. The employer or industry recognized the condition as hazardous.
3. The hazard was likely to or actually caused death or serious harm.
4. A feasible means to eliminate or reduce the hazard existed.

Seaworld of Florida, LLC v. Perez, 748 F.3d 1202, 1207 (D.C. Cir. 2014) (quoting *Fabi Constr. Co. v. Sec'y of Labor,* 508 F.3d 1077, 1081 (D.C.Cir.2007) (citation omitted)).

Respondent failed to fulfill its duty by not notifying or training Petitioner about preventable hazardous conditions, exposing him to chemical dangers without warning or protection. Such failures directly violate the employer's obligation under the General Duty Clause. *See Seaworld of Florida, LLC v. Perez,* 748 F.3d at 1211 ("The nature of SeaWorld's workplace and the unusual nature of the hazard to its employees [...] do not remove SeaWorld from its obligation under the General Duty Clause to protect its employees from recognized hazards."); *Goldberg v. Fla. Power & Light Co.,* 899 So.2d 1105 (Fla. 2005)(("Applying those principles to the instant matter supports the conclusion that FPL had a clear duty to warn motorists of the hazardous situation it created. . . .") (Emphasis added.)

Additionally, under § 440.13(2), Fla. Stat., employers must provide medically necessary remedial treatment for injuries resulting from workplace hazards. Respondent failed to do so, abandoning its duty of care to Petitioner. *See* Appendix E, at ¶ 11.

Exposing employees to unknown hazards without training or warning, and subsequently denying medical treatment, constitutes a breach of duty. Employers acting fraudulently to deny medically necessary treatment must be held accountable. This Court's ruling against such conduct is essential to restore confidence in employer-employee relationships and to prevent future abuses that undermine workplace safety, ignore preventable hazards, and obstruct medical evidence critical for compensation claims.

G. Clean-Up (OSHA) Operation vs. Wipe-Down Activity

Respondent coerced Petitioner to engage in a clean-up operation involving hazardous chemical removal—a regulated activity under OSHA standards—for which Petitioner was neither trained nor qualified. Plant supervisor Pedro Vargas falsely equated clean-up operations

with wipe-down activity, a non-regulated task. His trial testimony demonstrated Respondent's deceptive conflation of these distinct activities to justify assigning Petitioner an unqualified and hazardous role:

Direct Examination of Pedro Vargas, Production Supervisor, at final hearing in the OJCC:

> Q [...] wipe down is interchangeable with clean-up activity, correct?
>
> A Correct.

(RFH: 165; ln. 23 – 25)

> Q Did the cleaning of the machine require removal of hazardous chemical waste?
>
> A [...] operators don't remove chemicals, they just wipe down or clean-up in the area.

(RFH: 179; ln. 15 – 19).

Cross Examination of Pedro Vargas:

> Q [...] there's no difference between wipe down and clean-up, correct?"
>
> A Correct. (RFH: 206; ln. 14–17).

These statements conflict with OSHA's legal definitions, as clean-up operations necessitate hazardous substance removal, 29 CFR §1910.120(a)(3), and require specific training certifications under 29 CFR §1910.120(e)(6). *See* Appendix F. Mr. Vargas' testimony was impeached by OSHA regulations, proving that Petitioner was assigned a clean-up operation without adequate training or evaluation for "waste disposal environmental procedure" or "clean-up." (Vol. II: Appx.: 28–29).

Respondent's deliberate misrepresentation of clean-up operation and wipe-down activity violates OSHA regulations and illustrates a broader pattern of wage discrimination. By merging complex, regulated tasks under lower-paying classifications, Respondent effectively defrauded Petitioner of fair compensation. This deceptive practice not only harms employees but also enables employers to fraudulently reduce labor costs, creating an unfair competitive advantage in violation of labor laws.

The practice of merging diverse job functions to circumvent fair wages has significant national implications. On a large scale, such wage discrimination results in substantial losses of personal income for employees, undermines workplace equity, and distorts market competitiveness. Employers who exploit these practices diminish national productivity and erode trust in labor relations.

This Court should act to address wage discrimination and fraudulent job classification practices by affirming that clean-up operations involving hazardous materials are distinct, regulated activities requiring proper training and fair compensation. Ruling against such practices is critical to preserving workplace safety, equity, and compliance with labor laws.

H. Petitioner Sustained Work-Related Injuries Resulting in Respondent's Failure to Make an OSHA Injury Report and Provide Immediate Medical Treatment

On August 3, 2022, Petitioner notified human resources generalist Cecilia Simpson of his work-related injuries via email containing a memorandum. *See* Appendix L. Despite this notification, Respondent's carrier failed to provide Petitioner with the required informational brochure by August 13, 2022, in violation of § 440.185, Fla. Stat. *See* (Vol. II: Appx.: 14); Appendix E, at ¶ 12.

Respondent did not file an OSHA injury report for Petitioner's work-related injuries and withheld necessary medical treatment. This failure contravenes OSHA's requirements and best practices for workplace injury reporting and treatment. Early medical intervention facilitates improved planning and faster recovery, reducing lost labor hours that adversely impact economic productivity. Nationally, delays or denials of medical care contribute to decreased GDP and increased costs for goods and services.

The ripple effect of neglecting immediate medical treatment extends beyond the injured employee, impairing broader economic and industrial stability. This Court should act to affirm the critical importance of timely medical care in maintaining a functional workforce and preventing avoidable losses to national productivity. Employers must be held accountable for prioritizing workplace health and safety to ensure the efficiency and integrity of the nation's industrial workforce.

I. Petitioner's Affirmative Defenses

Respondent asserted that "[t]here was no clear and convincing evidence that the [Plaintiff] suffered any chemical exposure as alleged at work. As such, compensability of same is denied." (Vol. II: Appx.: 5).

In response, Petitioner raised affirmative defenses in the pretrial stipulation, addressing the following violations and principles (Vol. II: Appx.: 7, 11–15):

1. State Statutory Non-Compliance: Respondent failed to fulfill statutory obligations under Florida law related to workplace safety and reporting requirements.

2. Federal OSHA Non-Compliance: Respondent did not adhere to OSHA regulations, including proper notification, training, and handling of hazardous chemical exposure.

3. Laches: Respondent's delay in addressing or responding to Petitioner's claims undermines its position and prejudiced Petitioner's ability to obtain timely medical treatment.

4. Estoppel: Respondent's actions, including omissions and misrepresentations, barred it from denying liability and compensability.

5. Fourteenth Amendment Violation: JCC's conduct contravened Petitioner's constitutional rights to equal protection under the law.

These affirmative defenses underscore Respondent's systematic failure to comply with both state and federal regulations, creating significant harm to Petitioner. This Court should intervene to address these critical legal violations and uphold Petitioner's rights under statutory and constitutional law.

J. Petitioner's Chemical Exposure Confirmed by Trial Testimony on July 10, 2023

The trial testimony of Pedro Villa-Gileno, Environmental Health and Safety (EHS) manager, directly contradicts Respondent's statement in the pretrial stipulation, which denied the existence of evidence for Petitioner's chemical exposure. *See* (Vol. II: Appx.: 5).

Mr. Villa-Gileno testified regarding chemicals and the Safety Data Sheet (SDS):

The trial testimony of Pedro Villa-Gileno, Environmental Health and Safety ("EHS") manager, contradicts Respondent's statement in the pretrial stipulation denying existence of evidence for Plaintiff's chemical exposure. (Vol. II: Appx.: 5) Mr. Villa-Gileno gave the following testimony in reference to chemicals:

> Q. Do you recognize this, Mr. Gileno?
>
> A Yes.
>
> THE COURT: What are we talking about, Mr. Isaacs?

MR. ISAACS:· It's an SDS report.

(RFH: 90; ln. 8 – 12)

Q You do?

A Yeah, that the SDS for one of the chemical that was [inaudible].

Q Okay.· And you did provide me this when it was requested on --

A An article?· No.

Q Okay.

A We -- we are not required to provide a hard copy.· We don't require to employees know what chemical

(RFH: 90; ln. 17 – 25) [Emphasis added.]

[inaudible].· So we don't -- we are not required to give SDS and provide for employees.

(RFH: 91; ln. 1 – 2) [Emphasis added.]

Q Are you required to provide a hard copy of an SDS report upon request?

A No.

(RFH: 119; ln. 8 – 10) [Emphasis added]

Q Okay. Did you earlier say that you received no e-mail from anyone?

A No.· So I never received an e-mail telling me that somebody get hurt on this machine. I received just an e-mail that say, some -- one employee have a concern about the chemical, then we will set a meeting. And I

(RFH: 137; ln. 20 – 25)

went to that meeting. And I provided that information to Mr. Isaac [sic] about what chemical is in that machine and all the information that was required. And ·again, I'm not required to provide a hard copy of the SDS, but I provide the information about what chemical it is, and this information is SDS book.

Q Tell us how, Mr. Gileno, you provided this information to me.

A It was a verbal communication. It wasn't me.

(RFH: 138; ln. 1 – 9) [Emphasis added.]

Mr. Gileno testified: "And I provided that information to Mr. Isaac [sic] about what chemical is in that machine and all the information that was required. (RFH: 138; ln. 1 – 3) Subsequently, he testified: "It was a verbal communication. It wasn't me," (RFH: 138; ln. 9) blatantly contradicting his very own testimony that he provided information to [Petitioner].

See Appendix S (Petitioner's Initial Brief, in the First District Court of Appeals, "Seventh Issue" on Appeal).

This contradictory testimony highlights Respondent's intentional misrepresentation and failure to comply with its HazCom program obligations. The HazCom program explicitly requires: "Copies of the written program, including the written chemical inventory list and SDS, will be made available upon request." (Emphasis added.) (Vol. II: Appx.: 39). Despite Petitioner's request, Respondent withheld critical safety information, violating OSHA's Right-to-Know regulation.

Petitioner clearly suffered chemical exposure during the course and scope of his employment, as evidenced by trial testimony and supporting documentation. Respondent's knowingly false statement in the pretrial stipulation to deny Petitioner's workers' compensation claim constitutes fraudulent misrepresentation.

This Court's intervention is necessary to address Respondent's violation of OSHA regulations and ensure accountability for fraudulent and harmful practices that jeopardize employee health and safety.

K. Petitioner's Evidentiary Challenge

Pursuant to Fla. Admin. Code R. 60Q-6.116(7), Petitioner filed a motion to dismiss Respondent's memorandum of law for final hearing on July 10, 2023, as well as the referenced deposition transcript and deposition exhibit. *See* Appendix V, at ID 108 – 111. Despite Petitioner's motion, the deposition transcript and exhibit were not precluded and were improperly referenced in the final compensation order. *See* Appendix B, "Compensability," at ¶ 15.

Fla. Admin. Code R. 60Q-6.116(7) mandates strict requirements for evidentiary filing, which states, in part:

> No more than 10 days but no less than two business days prior to the final hearing, each party is required to file a brief memorandum consisting of a statement of relevant facts and written argument, which shall include filing dates or docket ID for any evidentiary documents which will be relied upon at trial. All depositions and documentary evidence, including known impeachment and rebuttal evidence a party intends to offer into evidence, shall be filed with the memorandum. (Emphasis added.)

(Emphasis added.) *See* Appendix E, at ¶ 14.

The rule imposes an "unqualified and absolute" obligation for compliance with filing procedures. Deposition material can only gain admissibility when corresponding filing dates or docket IDs are included in the memorandum, and when the deposition material is filed with the memorandum—a condition that Respondent failed to meet.

There is no legal basis for the JCC to rely on Respondent's deposition transcript and exhibit in absence of compliance with Fla. Admin. Code R. 60Q-6.116(7). The reliance on improperly filed evidence compromises the integrity of legitimate workers' compensation

claims, undermines state law, and conflicts with constitutional guarantees under the Fourteenth Amendment.

This Court must intervene to address this procedural violation, which jeopardizes workers' rights nationwide. By ruling to enforce compliance with evidentiary filing requirements, this Court can ensure workers receive just relief and protect the integrity of workers' compensation proceedings.

L. Proof of State of Facts to Support a Reasonable Inference for Petitioner's Injuries and Respondent's Burden to Overcome the Established Proof

"In workers' compensation cases, the claimant must 'prove or show a state of facts from which it may be reasonably inferred' that the claimant was injured during the course and scope of employment. [*Johnson v. Koffee Kettle Restaurant,* 125 So.2d 297, 299 (Fla. 1960).] Thus, '[i]f the evidence to establish such a state of facts is competent and substantial and comports with reason or from which it may be reasonably inferred,' then 'it is sufficient.' 125 So.2d at 299."). (Emphasis added.) *Schafrath v. Marco Bay Resort, Ltd.,* 608 So. 2d 97 (Fla. 1st DCA 1992)

In the instant case, there was competent substantial evidence in the Safety Data Sheet (SDS) establishing a state of facts that reasonably inferred Petitioner suffered work-related injuries. *See* Appendix Q. These included "stiff[ness] with a numbing sensation" in both hands, *see* Appendix L, as well as the potential for latent disease development. Such evidence is sufficient to support Petitioner's claim without requiring objective findings or medical evidence, especially where Respondent denied immediate medical treatment.

Under established precedent, when an injury is conclusively shown and a logical cause is demonstrated, the burden to defeat recovery shifts to Respondent. The Respondent must overcome the established proof and demonstrate that another cause is more logical and

consonant with reason. *See Schafrath* ("This is why we are committed to the doctrine that when an injury is conclusively shown and a logical cause for it is demonstrated, he who seeks to defeat recovery has the burden of overcoming the established proof and showing that another cause is more logical and consonant with reason. [*Crawford v. Benrus Market,* 40 So. 2d 889 (Fla. 1949)]").

Respondent failed to provide evidence sufficient to meet its burden of rebutting the logical inference established by the SDS and supporting documentation. Petitioner's injuries, linked directly to workplace exposure, remain firmly grounded in competent and substantial evidence.

This Court should intervene to enforce the principle that reasonable inferences derived from substantial evidence are sufficient to establish compensability in workers' compensation cases, and that the burden remains on Respondent to overcome such proof with compelling evidence.

M. <u>Case for Gradual Occurrence of Injury</u>

The precedent established in *Victor Wine Liquor, Inc. v. Beasley,* 141 So. 2d 581 (Fla. 1962), holds that the requirement for a literal "accident" (e.g., a slip or fall) is no longer authoritative in recovering compensation for work-related injuries. In so-called "exposure" cases, the employee must prove exposure to hazards beyond those ordinarily confronted by the general public. It is not required that the ill effects of such exposure occur suddenly or relate to an identifiable incident. Rather, as held in *Czepial v. Krohne Roofing Co.,* 93 So. 2d 84 (Fla. 1957), injuries resulting from cumulative exposure—such as the inhalation of dust and fumes—retain their fundamentally accidental nature, even if the effects manifest gradually.

To recover under the exposure theory, a claimant must demonstrate:

1. Prolonged Exposure: Sustained interaction with hazardous conditions.
2. Cumulative Effect: Injury or aggravation of a pre-existing condition due to exposure.
3. Hazard Beyond Public Exposure: Evidence that the claimant faced risks greater than those encountered by the general public.

See Festa v. Teleflex, Inc., 382 So. 2d 122 (Fla. 1st DCA 1980) (quoting *Worden v. Pratt and Whitney Aircraft,* 256 So.2d 209 (Fla. 1971)).

Alternatively, a claimant may show a series of occurrences, the cumulative effect of which resulted in injury. *See Worden.* This doctrine affirms that gradual, work-related injuries caused by cumulative exposure are compensable under Florida workers' compensation law. Petitioner's workplace chemical exposure and subsequent injuries meet these criteria, demonstrating prolonged exposure and its effects under conditions exceeding ordinary hazards.

This Court's intervention is essential to uphold established principles under the exposure theory and ensure workers receive appropriate relief for injuries resulting from cumulative workplace hazards.

N. Evaluation by a Family Doctor in a Work-Related Chemical Exposure Context Cannot be Held to be Medically Necessary and Sufficient to Establish Objective Relevant Medical Findings

A general family doctor's evaluation of work injuries involving chemical exposure, conducted without toxicological or epidemiological studies, is insufficient to establish a medically significant assessment as the basis for competent substantial evidence.

Respondent referred Petitioner to Concentra Urgent Care ("Concentra") on October 27, 2022, eighty-five (85) days after Petitioner submitted a memorandum to human resources on August 3, 2022, stating medical signs and symptoms of chemical exposure. See Appendix L. At

Concentra, Petitioner was evaluated by Dr. Nicole Nicophene, a family doctor lacking expertise in toxicological testing and epidemiological analysis. Dr. Nicophene neither conducted such studies nor recommended referral to a specialist in these fields. She testified that, due to the lack of information available at the time of her evaluation, it was possible for medically significant patterns to have been missed. Dr. Nicophene's testimony is available in the record transcript of final hearing on July 10, 2023 (RFH: 260; ln. 11–25 and RFH: 261; ln. 1–6).

Dr. Nicophene's evaluation was deficient in the following respects:

1. Timing: The evaluation occurred long after the onset of symptoms.
2. Frequency: It lacked follow-up medical examinations or consultations.
3. Subject Matter Expertise: It was not conducted by a qualified toxicologist or specialist in chemical exposure.
4. Consideration of Latent Disease: It failed to account for the long-term effects of chemical exposure.

Accordingly, Dr. Nicophene's evaluation did not meet the criteria for medically necessary treatment. *See* Appendix E, at ¶ 11. Employers who prioritize cost-cutting over sound medical evaluations jeopardize worker health and safety.

On a national scale, the prevalence of improperly assessed injuries caused by unqualified medical evaluations leads to delayed recovery, exacerbation of conditions, and diminished national productivity. This Court should act decisively to prohibit business practices that undermine medically sound outcomes for financial gain. Employers must be held accountable for ensuring qualified and timely medical evaluations in cases of workplace injury.

O. Respondent's Willful Disregard for Safety & Health

Under § 440.11(1)(b), Fla. Stat., an employer commits an intentional tort when the employer:

1. Deliberately intends to injure the employee; or

2. Engages in conduct virtually certain to result in injury or death, knowingly concealing or misrepresenting the danger to prevent the employee from exercising informed judgment.

See Appendix E, at ¶ 10.

Respondent acted with willful disregard for safety and health by refusing to disclose the Safety Data Sheet (SDS) despite knowledge of hazardous chemical exposure. Respondent violated its duty to Petitioner under § 440.13, Fla. Stat., which requires employers to furnish medically necessary remedial treatment, care, and attendance for workplace injuries. *See* Appendix E, at ¶ 11. Respondent also failed to comply with OSHA's General Duty Clause (§ 5(a)(1)) and Special Duty Clause (§ 5(a)(2)), further neglecting its obligation to maintain a safe workplace free from recognized hazards. *See* Appendix E, at ¶ 3.

Petitioner's repeated exposure to hazardous chemicals, without adequate training or protective measures, created a virtual certainty of toxicity and led to symptoms such as stiffness and numbness in both hands. *See* Appendix L. Respondent's actions constitute a willful violation of known legal duties, aligning with the standard of "bad faith" or "evil intent" established in *United States v. Bishop,* 412 U.S. 346 (1973), and related cases.

The broader implications of such willful disregard for safety and health extend beyond the workplace, undermining social welfare, public trust, and economic stability. Employers who evade their legal duties erode the social fabric, harm communities and the environment, and foster public disenfranchisement—threatening massive social disorder.

This Court should act decisively by imposing harsh penalties on employers who willfully evade their legal responsibilities. Such actions protect the integrity of law and order and uphold the foundational principles of national sovereignty. Employers who disregard safety and health are not merely violating regulations; they are attacking the very underpinnings of this nation's legal and social systems.

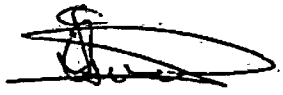
CONCLUSION

In light of these material facts, which clearly demonstrate both the individual and public harm arising from the Respondent's fraudulent misrepresentation and OSHA violations, as well as the JCC's Fourteenth Amendment violations, Petitioner respectfully seeks and prays for this Court's discretion to grant the petition for writ of certiorari. This action is essential to prevent future violations and to preserve the rights of injured employees across our nation.

The Petitioner respectfully requests that this Court grant the petition for writ of certiorari to review the lower court's decision and restore the application of the Fourteenth Amendment's protections to ensure equal protection of the laws.

Wherefore the petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: April 1, 2025