



STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

TIMOTHY GALE SIMERAL,)	
)	
Charging Party,)	Case No. S-CO-278
)	
v.)	
)	Request for Reconsideration
CALIFORNIA SCHOOL EMPLOYEES)	PERB Decision No. 930
ASSOCIATION,)	
)	PERB Decision No. 930a
Respondent.)	
<hr/>		February 1, 1993

Appearances: Timothy Gale Simeral, on his own behalf.
Before Hesse, Chairperson; Caffrey and Carlyle, Members.

DECISION

HESSE, Chairperson: This case is before the Public Employment Relations Board (PERB or Board) on a request for reconsideration filed by Timothy Simeral (Simeral) of the Board's decision in California School Employees Association (Simeral) (1992) PERB Decision No. 930. In that decision the Board denied Simeral's appeal of a Board agent's dismissal of his unfair practice charge on the grounds that he had failed to state a prima facie case of a violation of the duty of fair representation by the California School Employees Association (CSEA).

DISCUSSION

On appeal, Simeral contends that the Board decision is incomplete in that "there is no mention of my appeal or CSEA opposition to my appeal. There is no mention of me presenting my case in person." Simeral argues that a portion of the CSEA

letter in opposition to the appeal supports his claim of a conspiracy.

PERB Regulation section 32410(a)¹ states, in pertinent part:

The grounds for requesting reconsideration are limited to claims that the decision of the Board itself contains prejudicial errors of fact, or newly discovered evidence or law which was not previously available and could not have been discovered with the exercise of reasonable diligence.

Simeral's contention that the Board neglected to mention the appeal and CSEA's opposition to the appeal, does not constitute appropriate grounds under which that party may request reconsideration. In the decision, the Board acknowledged receipt and review of Simeral's appeal as well as receipt of the CSEA filing. The first sentence of the decision and order refer to the appeal by Simeral. Furthermore, the Appearances section of the decision refers to filings made by William Heath for CSEA and Timothy Simeral on his own behalf. The Board considered the entire record in this case. Therefore, Simeral's contention that the Board decision contains prejudicial error is without merit.

Simeral made a request to present his case verbally. As no prima facie case was stated, Simeral's request for reconsideration is denied, his request for oral argument also is denied.

¹PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

ORDER

The request for reconsideration in PERB Decision No. 930 is hereby DENIED.

Members Caffrey and Carlyle joined in this Decision.