

STATE OF CALIFORNIA
DECISION OF THE EDUCATIONAL
EMPLOYMENT RELATIONS BOARD

In the Matter of the Administrative Appeal)	
)	
EL CENTRO SCHOOL DISTRICT)	Case No. LA-R-579
Employer,)	LA-UC-5
)	
and)	EERB Order No. Ad-13
)	
EL CENTRO ELEMENTARY TEACHERS)	September 28, 1977
ASSOCIATION, CTA/NEA)	
Employee Organization, <u>APPELLANT</u> .)	
)	
)	
)	

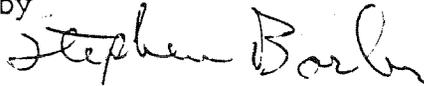
ORDER

The dismissal by the Los Angeles Regional Director of the petition for a change in unit determination submitted by the El Centro Elementary Teachers Association, CTA/NEA, in the above-cited case, is sustained by the Board itself.

The Board finds that the Regional Director has correctly applied EERB Resolution No. 6, issued on July 6, 1976.

Educational Employment Relations Board

by



STEPHEN BARBER
Executive Assistant to the Board

9/28/77

Jerilou H. Cossack, Member, concurring:

I concur with the majority's denial of the appeal in this case, although not for the reason relied upon by the majority. The facts of this case, unlike those of Lafayette Unified School District, EERB Decision No. AD-12, September 28, 1977, do not warrant entertaining the unit clarification petition filed by El Centro Elementary Teachers Association.

I believe that an administrative agency, as Justice Tobriner writing for the California Supreme Court stated, "must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order.... Among other functions a findings requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly analysis and minimize the likelihood that the ageeny will randomly leap from evidence to conclusions.... They also serve a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable." Topanga Assn. v. County of Los Angeles, 11 Cal.3d 506, 113 Cal.Rptr. 836 (1974). This is especially true here if this case is read in conjunction with Lafayette, supra. However, a majority of the Board has elected not to set forth its findings of fact and conclusions of law. It would be an exercise in futility for me, as one member, to do so, since neither the parties nor any reviewing court could rely upon one member's opinion as accurately reflecting the reasoning of the Board as a whole.


Jerilou H. Cossack, Member