

Pursuant to rule 32135, the appeal of the dismissal issued by the hearing officer in this case was due in the headquarters office of this Board no later than 5 p.m. on February 13, 1980². In order to insure the arrival of the appeal from counsel's Los Angeles office by that date, a mailing date of at least February 10th or 11th would have been required. Our staff was not alerted on either of these dates that there might be a delay experienced in filing. Counsel sets forth that an illness during the prior week added to his workload as well. Our staff received no requests for an extension of time.

In addition, the appeal was actually filed on the 21st of February. This was one week following the due date for the appeal.

²Section 32135 states:

Filing. All documents shall be considered "filed" by a party when actually received by the proper recipient before the close of business on the last date set for filing.

The due date was set forth on the face of the Notice of Dismissal.

Section 32300(a) states:

Exceptions to Board Agent Decision.

(a) "A party may file with the Board itself . . ."
(emphasis added)

.....

Section 32142(b) states:

Proper Recipient for Filing or Service. Whenever a document is required to be "filed" or "served" with any of the below listed entities, the proper recipient shall be:

.....

(b) The Board itself - only at the headquarters office;

Counsel was in fact back to work the day following the due date but made no attempt to file at that time.

Motion to excuse late filing is DENIED.

The Public Employment Relations Board hereby declares the dismissal of the unfair practice charge as final.

PER CURIAM