

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



PRINTING TRADES ALLIANCE.)

Charging Party,)

v.)

REGENTS OF THE UNIVERSITY OF)
CALIFORNIA.)

Respondent.)

Case No. SF-CE-197-H

PERB Decision No. 524-H

September 25, 1985

Appearances: Van Bourg, Weinberg, Roger & Rosenfeld by
William A. Sokol for Printing Trades Alliance.

Before Jaeger, Morgenstern and Burt. Members.

DECISION

JAEGER. Member: The Printing Trades Alliance appeals the attached Order of Dismissal of Complaint. It argues that the administrative law judge (ALJ) erred in ordering the dismissal after being advised that the parties had reached a tentative settlement and that the charge would be withdrawn upon execution of written settlement documents. For the reasons set forth below, we find no error in the action of the ALJ and on that basis we affirm the dismissal.

DISCUSSION

The record in this case indicates that the charge was filed in November 1984. After several continuances requested by the parties, a hearing was ultimately scheduled for the dates of

May 2, 3 and 7, 1985. When the participants assembled on May 2 at the place designated for the hearing, the parties informed the ALJ that they had reached a settlement of the matter and that Charging Party would therefore withdraw its charge.

In an effort to bring the case to an expeditious end, and in recognition of the several previous continuances granted in this case, the ALJ that same day sent written notice to the parties that, unless Charging Party appeared on May 7 as scheduled to begin presentation of its case, the charge would be dismissed. When no appearance was made on that date, the ALJ ordered the case dismissed on the grounds that Charging Party had failed to appear and present its evidence as directed.

Printing Trades Alliance argues on appeal that it did in fact appear on the scheduled hearing date, i.e., May 2, and that the ALJ acted contrary to his proper role of encouraging voluntary settlements by the parties.

Certainly Charging Party's argument that it appeared before the ALJ on May 2 is nonresponsive to the question of its failure to appear as later directed on May 7. Thus, it offers no explanation for its failure to abide by the ALJ's direction. In view of the record of delays and continuances in this case, the ALJ's effort to bring the case to a prompt conclusion was not unreasonable. We are cognizant that the period between May 2 and May 7, which contained a weekend, left little time in which to draft and execute settlement

documents. However, Charging Party has not indicated any reason why it could not have communicated its progress toward settlement to the ALJ, either by appearing as directed or simply by contacting the ALJ in advance of that date.

ORDER

Upon the foregoing Decision, Case No. SF-CE-197-H is hereby DISMISSED.

Members Morgenstern and Burt joined in this Decision.

STATE OF CALIFORNIA
PUBLIC EMPLOYMENT RELATIONS BOARD



PRINTING TRADES ALLIANCE,)
)
 Charging Party,) Case No. SF-CE-197-H
)
 V.)
)
 REGENTS OF THE UNIVERSITY) ORDER OF
 OF CALIFORNIA,) DISMISSAL OF COMPLAINT
)
 Respondent.)
)
 _____)

Inasmuch as the charging party has made no effort to present any evidence in support of its charge on the days designated for the hearing, the Complaint herein is DISMISSED.

This action may be appealed to the Public Employment Relations Board (hereafter PERB) itself within twenty (20) calendar days after service of this Order pursuant to California Administrative Code, title 8, part III, section 32635. To be timely filed, such appeal must be actually received by the PERB before the close of business (5:00 p.m.) on May 29, 1985, or sent by telegraph or certified United States mail postmarked not later than May 29, 1985. (See Section 32135.) The Board's address is: 1031 18th Street, Suite 200, Sacramento, CA 95814. Such appeal must be in writing and signed by the charging party or its agent. The appeal must be accompanied by proof of service upon all parties.

DATED: May 9, 1985

MARTIN FASSLER
Administrative Law Judge