



## DISCUSSION

PERB Regulation 32410<sup>2</sup> permits any party to a decision of the Board itself to request the Board to reconsider that decision. It 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.

The Board has strictly applied these limited grounds in considering reconsideration requests specifically to avoid the use of the reconsideration process to reargue or relitigate issues which have already been decided. (Redwoods Community College District (1994) PERB Decision No. 1047a; State of California (Department of Corrections) (1995) PERB Decision No. 1100a-S.) Similarly, reconsideration will not be granted based on a claim of an alleged prejudicial error of law. (Jamestown Elementary School District (1989) PERB Order No. Ad-187a.) In numerous request for reconsideration cases, the Board has declined to reconsider matters previously offered by the parties and rejected in the underlying decision. (California State University (1995) PERB Decision No. 1093a-H; California State Employees Association, Local 1000 (Janowicz) (1994) PERB Decision No. 1043a-S; California Faculty Association (Wang)

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<sup>2</sup>PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq. A revision to PERB Regulation 32410 became effective on February 7, 1999, subsequent to the filing of this request for reconsideration. The revision has no bearing on the Board's consideration of this request.

(1988) PERB Decision No. 692a-H; Tustin Unified School District  
(1987) PERB Decision No. 626a; Riverside Unified School District  
(1987) PERB Decision No. 622a.)

On February 3, 1999, Cooke filed the instant request for reconsideration. However, Cooke makes no assertions that the Board's decision contains prejudicial errors of fact, or that he has found newly discovered evidence or law. (Regents of the University of California (1998) PERB Decision No. 1271-H at p. 3.) Therefore, Cooke's request fails to demonstrate grounds for reconsideration sufficient to comply with PERB Regulation 32410.

ORDER

The request for reconsideration in Service Employees International Union, Local 99 (Cooke) (1999) PERB Decision No. 1306 is hereby DENIED.

Members Dyer and Amador joined in this Decision.