

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



GREGORY K. MANDELL,

Charging Party,

v.

SAN LEANDRO UNIFIED SCHOOL DISTRICT,

Respondent.

Case No. SF-CE-2589-E

Request for Reconsideration
PERB Decision No. 1924

PERB Decision No. 1924a

December 21, 2007

Appearance: Gregory K. Mandell, on his own behalf.

Before Neuwald, Chair; Shek and McKeag, Members.

DECISION

McKEAG, Member: This case comes before the Public Employment Relations Board (PERB or Board) on a request for reconsideration by Gregory K. Mandell (Mandell) of the Board's decision in San Leandro Unified School District (2007) PERB Decision No. 1924 (San Leandro).

In San Leandro, the Board upheld the dismissal of an unfair practice charge alleging the San Leandro Unified School District violated the Educational Employment Relations Act (EERA)¹ by discriminating against Mandell when he filed a grievance.

Mandell seeks reconsideration based on his belief that the decision is based on prejudicial error of fact. For the reasons set forth below, we deny Mandell's request.

¹EERA is codified at Government Code section 3540, et seq.

DISCUSSION

Requests for reconsideration are governed by PERB Regulation 32410,² which provides, in pertinent part:

The grounds for requesting reconsideration are limited to claims that: (1) the decision of the Board itself contains prejudicial errors of fact, or (2) the party has newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence.

The instant request for reconsideration neither identifies prejudicial errors of fact, nor presents newly discovered evidence. Rather, the request merely reiterates the arguments previously raised on appeal. The Board has held that simply arguing the same facts that were presented on appeal does not fill the requirements of PERB Regulation 32410. (Oakland Unified School District (2004) PERB Decision No. 1645a.) Accordingly, because it did not satisfy the requirements for reconsideration, Mandell's request for reconsideration is denied.

ORDER

Gregory K. Mandell's request for reconsideration of San Leandro Unified School District (2007) PERB Decision No. 1924 is hereby DENIED.

Chair Neuwald and Member Shek joined in this Decision.

²PERB regulations are codified at California Code of Regulations, title 8, section 31001, et seq.