

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



DERRICK J. COFFMAN,
Charging Party,
v.
CITY OF BREA,
Respondent.

Case No. LA-CE-446-M
PERB Decision No. 2083-M
December 9, 2009

Appearances: Derrick J. Coffman, on his own behalf; Filarsky & Watt by Steve A. Filarsky, Attorney, for City of Brea.

Before Dowdin Calvillo, Acting Chair; McKeag and Wesley, Members.

DECISION

DOWDIN CALVILLO, Acting Chair: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Derrick J. Coffman (Coffman) of a Board agent's dismissal of his unfair practice charge. The charge alleged that the City of Brea (City) violated the Meyers-Milias-Brown Act (MMBA)¹ by discriminatorily refusing to hire Coffman. The Board agent dismissed the charge for lack of standing, untimeliness, and failure to state a prima facie case of discrimination.

The Board has reviewed the dismissal and the record in light of Coffman's appeal, the City's response to Coffman, and the relevant law. Based on this review, the Board dismisses Coffman's appeal for failure to comply with PERB Regulation 32635(a)² as discussed below.

DISCUSSION

PERB Regulation 32635(a) states, in relevant part, that an appeal of a dismissal must:

¹ MMBA is codified at Government Code section 3500 et seq.

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

- (1) State the specific issues of procedure, fact, law or rationale to which the appeal is taken;
- (2) Identify the page or part of the dismissal to which each appeal is taken;
- (3) State the grounds for each issue stated.

“[C]ompliance with regulations governing appeals is required to afford the respondent and the Board an adequate opportunity to address the issues raised, and noncompliance will warrant dismissal of the appeal.” (*California State Employees Association (Myers)* (1992) PERB Decision No. 942-S.)

Appeals that state nothing more than the charging party appeals the dismissal of the unfair practice charge have historically been dismissed by the Board for failure to comply with PERB Regulation 32635(a). For example, in *United Teachers – Los Angeles (Glickberg)* (1990) PERB Decision No. 846, the Board dismissed an appeal that stated in its entirety: “Claimant David Glickberg hereby appeals the decision by the Public Employment Relations Board, dated June 29, 1990, Dismissing and Refusing to issue a complaint in the above-captioned matter.” (Accord *Lodi Education Association (Hudock)* (1995) PERB Decision No. 1124; *California School Employees Association and its San Juan Chapter #127 (Hare)* (1995) PERB Decision No. 1089; *Los Angeles Community College District* (1990) PERB Decision No. 847.)

Coffman’s appeal states in its entirety:

Charging Party Derrick J. Coffman excepts to the dismissal of his charge and appeals said dismissal.

Like the appeals in the cases cited above, Coffman’s appeal fails to state specific issues or parts of the dismissal to which appeal is taken, or to state grounds for the appeal. Accordingly, the Board dismisses Coffman’s appeal for failure to comply with PERB Regulation 32635(a).

ORDER

The unfair practice charge in Case No. LA-CE-446-M is hereby DISMISSED
WITHOUT LEAVE TO AMEND.

Members McKeag and Wesley joined in this Decision.