

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



WILLIAM THOMAS MONSOOR, )  
 )  
 Charging Party, ) Case No. LA-CE-7-S  
 APPELLANT, )  
 ) PERB Order No. Ad-137-S  
 v. )  
 ) Administrative Appeal  
 STATE OF CALIFORNIA (DEPARTMENT )  
 OF DEVELOPMENTAL SERVICES), ) May 17, 1983  
 )  
 Respondent. )  
 \_\_\_\_\_ )

Appearances: William Thomas Monsoor, representing himself.  
Before Gluck, Chairperson; Tovar and Jaeger, Members.

DECISION

GLUCK, Chairperson: William Thomas Monsoor appeals the Executive Assistant to the Public Employment Relations Board's (PERB) dismissal of his requests for reconsideration and to reopen the hearing of the Board's decision in State of California (Department of Developmental Services) (7/28/82) PERB Decision No. 228-S. The Executive Assistant found the requests to be untimely in that they were filed on August 31, 1982, more than ten days after issuance of the decision.<sup>1</sup>

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<sup>1</sup>Prior to September 20, 1982, PERB's rules and regulations were codified at California Administrative Code, title 8, section 31000 et seq. Former subsection 32410(a) provided:

Any party to a decision of the Board itself may, because of extraordinary circumstances,

Monsoor contends that he was unable to file his requests within the designated time limits because he was in the process of relocating to Northern California at the time the Board issued its decision. Further, he maintains that, even after receiving the decision, he did not read it carefully and believed that it was favorable to him because the Board had affirmed the hearing officer's finding of fact. He claims that once he discovered that the decision was, in fact, adverse to his interests, he immediately notified PERB.

Former PERB regulation 32133, in effect at the time of Monsoor's request,<sup>2</sup> provided that, "a late filing may be excused in the discretion of the Board only under extraordinary circumstances." We have defined extraordinary circumstances to be "out of the ordinary, remarkable, unpredictable situations

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file a request to reconsider the decision with the Board itself within 10 days following the date of service of the decision. The request for reconsideration shall be filed with the Executive Assistant to the Board and shall state with specificity the grounds claimed and, where applicable, shall specify the page of the record relied on. Service and proof of service of the request pursuant to Section 32140 are required.

<sup>2</sup>Under the Board's recent amendments, late filings are now covered under section 32163.

or occurrences far exceeding the usual which prevent a timely filing." Anaheim Union High School District (7/17/78) PERB Order No. Ad-42. We cannot find the circumstances as described by Mr. Monsoor to be extraordinary. Accordingly, we deny this appeal.

ORDER

William Thomas Monsoor's appeal of the Executive Assistant to the Public Employment Relations Board's dismissal of his requests for reconsideration and to reopen the hearing of PERB Decision No. 228-S is DENIED.

Members Tovar and Jaeger joined in this Decision.