

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



REBECCA GREGG,)
)
 Charging Party,) Case No. LA-CO-51-H
)
 v.) Administrative Appeal
)
 CALIFORNIA FACULTY ASSOCIATION,) PERB Order No. Ad-271-H
)
 Respondent.) December 15, 1995
)
 _____)

Appearances: Rebecca Gregg on her own behalf; Rothner, Segall, Bahan & Greenstone by Della Bahan, Attorney, for California Faculty Association.

Before Caffrey, Chairman; Garcia and Johnson, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on a request filed by Rebecca Gregg (Gregg) that the Board accept her untimely filed appeal of a Board agent's dismissal of her unfair practice charge.

BACKGROUND

The dismissal of Gregg's unfair practice charge was served on the parties by mail on August 25, 1995. PERB Regulation 32635(a)¹ requires that an appeal of a dismissal of an unfair practice charge be filed with the Board itself within 20 days of the date of service of the dismissal. PERB Regulation 32130(c) provides a five-day extension of the filing deadline for documents filed by mail. Accordingly, an appeal of the dismissal

¹PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

of Gregg's charge was due to be filed with the Board no later than September 19, 1995.

On October 3, 1995, Gregg sent a letter to the Board "requesting a review" of her case. In her letter, Gregg discusses her attempts to respond to the Board agent's deadlines for filing an amendment to her unfair practice charge, but she fails to explain why the untimely filing of the appeal of the dismissal of her charge should be excused.

DISCUSSION

PERB Regulation 32136 states:

A late filing may be excused in the discretion of the Board for good cause only. A late filing which has been excused becomes a timely filing under these regulations.

The Board has held that where a party fails to provide any explanation for filing documents late, the Board is precluded from finding that good cause exists. (Sonoma County Office of Education (1992) PERB Order No. Ad-230.)

In this case, Gregg provided no explanation for her failure to timely file her appeal with the Board. Therefore, the Board finds that good cause does not exist to excuse Gregg's untimely filed appeal of the Board agent's dismissal of her unfair practice charge.

ORDER

Gregg's request that the Board accept her untimely filed appeal of the Board agent's dismissal of her unfair practice charge in Case No. LA-CO-51-H is hereby DENIED.

Members Garcia and Johnson joined in this Decision.