

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



LORELEI NYLANDER-McGUIRE,)
)
 Charging Party,) Case No. LA-CE-371-S
)
 v.)
)
 STATE OF CALIFORNIA (DEPARTMENT) Administrative Appeal
 OF INSURANCE),)
) PERB Order No. Ad-282-S
 Respondent.)
)
 _____) May 6, 1997
)
 LORELEI NYLANDER-McGUIRE,)
)
 Charging Party,) Case No. LA-CO-70-S
)
 v.)
)
 CALIFORNIA STATE EMPLOYEES)
 ASSOCIATION, SEIU, AFL-CIO,)
 LOCAL 1000,)
)
 Respondent.)
 _____)

Appearance: Lorelei Nylander-McGuire, on her own behalf.
Before Caffrey, Chairman; Johnson and Dyer, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Lorelei Nylander-McGuire (Nylander-McGuire) of the PERB appeals assistant's rejection of her untimely filed January 27, 1997 letter.

On January 13, 1997, Nylander-McGuire timely filed an

appeal¹ of a Board agent's dismissal of her unfair practice charge alleging that the State of California (Department of Insurance) violated the Ralph C. Dills Act (Dills Act)² by cancelling her benefits. On January 30, 1997, Nylander-McGuire filed a different document after the due date for filing an appeal of the dismissal. On February 6, 1997, the PERB appeals assistant rejected the January 30, 1997, filing as untimely filed.

PERB Regulation 32136 provides:

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.

On appeal, Nylander-McGuire provides no explanation for her late filing. The Board is precluded from finding good cause exists to excuse a late filing when a party fails to provide any explanation for the untimeliness. (Sonoma County Office of Education (1992) PERB Order No. Ad-230.) Therefore, Nylander-McGuire's appeal is rejected.

¹The appeal filed by Nylander-McGuire referred to Case No. LA-CE-371-S and LA-CO-70-S. In Case No. LA-CO-70-S, California State Employees Association, SEIU, AFL-CIO, Local 1000 (Nylander-McGuire) (1997) PERB Decision No. 1195-S, the Board granted Nylander-McGuire's request to withdraw that appeal and dismissed the unfair practice charge.

²The Dills Act is codified at Government Code section 3512 et seq.

ORDER

Lorelei Nylander-McGuire's request that the Board accept her late filed documents in Case No. LA-CE-371-S is hereby DENIED.

Members Johnson and Dyer joined in this Decision.