

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



PAULETTE JACKSON,)	
)	
Charging Party,)	Case No. LA-CE-3650
)	
v.)	Administrative Appeal
)	
LOS ANGELES UNIFIED SCHOOL)	PERB Order No. Ad-283
DISTRICT,)	
)	
Respondent.)	May 15, 1997

Appearance: Paulette Jackson, on her own behalf.
Before Caffrey, Chairman; Johnson and Dyer, Members.

DECISION

DYER, Member: This case comes before the Public Employment Relations Board (PERB or Board) on Paulette Jackson's (Jackson) request that the Board accept her late-filed exceptions to a Board administrative law judge's (ALJ) proposed decision.

BACKGROUND

On February 14, 1997,¹ the ALJ issued a proposed decision dismissing Jackson's unfair practice charge. A cover letter accompanying that proposed decision informed the parties that any exceptions to the proposed decision had to be filed within twenty days. (PERB Regulation 32300.)² Accordingly, any exceptions to

¹Unless otherwise indicated, all dates refer to 1997.

²PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq. PERB Regulation 32300 provides, in pertinent part:

- (a) A party may file with the Board itself an original and five copies of a statement of exceptions to a Board agent's proposed decision issued pursuant to Section 32215,

the proposed decision had to be filed on or before March 11. (See PERB Regulation 32130.)³ On March 12, Jackson filed exceptions to the proposed decision. In the preamble to her exceptions, Jackson requests that the Board excuse the lateness of her filing because she had "inadequate time to prepare."

DISCUSSION

PERB Regulation 32136 provides that the Board may excuse a late filing, even one as short as a day, only for good cause.⁴ Nonetheless, Jackson does not provide any explanation, whatsoever, for her failure to file in a timely manner, relying instead on an oblique reference to the inadequacy of the Board's timelines. She offers absolutely no reason why she could not comply with the timelines set forth in the February 14 letter. Where a party fails to provide any explanation for filing documents late, the Board is precluded from finding that good

and supporting brief, within 20 days following the date of service of the decision or as provided in Section 32310. The statement of exceptions and briefs shall be filed with the Board itself in the headquarters office.

³PERB Regulation 32130 provides, in pertinent part:

(c) The extension of time provided by California Code of Civil Procedure section 1013, subdivision (a), shall apply to any filing made in response to documents served by mail.

⁴PERB 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.

cause exists. (California Faculty Association (Gregg) (1995) PERB Order No. Ad-271-H at p. 2.) Accordingly, Jackson has failed to establish good cause to excuse the lateness of her exceptions.

ORDER

Paulette Jackson's request that the Board accept her late filed exceptions in Case No. LA-CE-3650 is hereby DENIED.

Chairman Caffrey and Member Johnson joined in this Decision.