STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

CARLOS A. VELTRUSKI, Charging Party, v. STATE OF CALIFORNIA (UNEMPLOYMENT INSURANCE APPEALS BOARD, DEPARTMENT OF INDUSTRIAL RELATIONS AND EMPLOYMENT DEVELOPMENT DEPARTMENT), Respondent.	Case No. LA-CE-566-S Administrative Appeal PERB Order No. Ad-314-S May 2, 2002

Appearance: Carlos A. Veltruski, on his own behalf.

Before Baker, Whitehead and Neima, Members.

DECISION

NEIMA, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Carlos A. Veltruski (Veltruski) following the Board appeals assistant's denial of his request for an extension of time to file an appeal of the partial dismissal of his unfair practice charge.

After reviewing the entire record in this matter including Veltruski's appeal document and the denial of Veltruski's request for an extension of time to file the appeal, the Board finds no basis to grant relief from the denial of the request for an extension of time and finds no good cause to excuse the untimely filed appeal from the partial dismissal of his unfair practice charge. Therefore, the Board declines to accept the untimely appeal from the partial dismissal of his charge consistent with the following.

BACKGROUND

Veltruski was served with a Board agent's partial dismissal of his unfair practice charge on September 10, 2001.[1] The appeal of the partial dismissal was due on or before October 5. Pursuant to PERB Regulation 32132(a),[2] Veltruski's request for an extension of time was due to be filed three days prior to the appeal due date on October 2. Veltruski's request for an extension of time was filed October 10, eight days late. On that basis, the appeals office denied the request as untimely. The denial also noted that the request was not accompanied by a proof of service.

An appeal was received after the due date for the appeal, and after the Board's appeals office had denied a request by Veltruski, for an extension of time to lodge the appeal.

VELTRUSKI'S APPEAL

Veltruski filed a document with the Board on October 29, which appealed the partial dismissals of the instant charge and charge LA-CE-564-S. The appeal papers were construed by the appeals assistant to also serve as an administrative appeal from its denial of Veltruski's request for an extension of time to file the appeal. Veltruski's October 29 document does not mention the denial of the request for an extension of time or provide any basis for the Board to consider relief from the denial. Similarly, the document does not discuss the untimely filing of the appeal nor does it offer the Board "good cause" to excuse the delinquency of its submission. The October 29 document addresses only the substance of his dispute regarding the partial dismissal of the charges.

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[1] All dates refer to 2001.

[2] PERB regulations are codified at California Code of Regulations, title 8, section 3100 et seq.

DISCUSSION

Requests for extension of time in a matter before the Board are processed in accordance with PERB Regulation 32132(a). PERB Regulation 32132(a) provides:

> (a) A request for an extension of time within which to file any document with the Board itself shall be in writing and shall be filed at the headquarters office at least three days before the expiration of the time required for filing. The request shall indicate the reason for the request and, if known, the position of each other party regarding the extension. Service and proof of service pursuant to Section 32140 are required. Extensions of time may be granted by the Board itself or an agent designated by the Board itself for good cause only.

Veltruski's appeal document does not address the denial of the request for an extension of time at all. As such, the document does not provide the Board a "good cause" basis to grant relief from the denial of the request for extension of time. To the extent that Veltruski's appeal document was construed as seeking an administrative review of the denial of his request for an extention of time, such review is denied.

Since relief from the denial of the request for an extension of time is not granted, the Board now turns to the matter of Veltruski's late filed appeal. PERB Regulation 32136 provides, in pertinent part, that "A late filing may be excused in the discretion of the Board for good cause only." Veltruski makes no argument seeking excuse from his late filing. Where a party fails to provide any explanation to excuse a late filing, the Board is precluded from finding that good cause exists. (Sonoma County Office of Education (1992) PERB Order No. Ad-230; California Faculty Association (Gregg) (1995) PERB order No. Ad-271-H.) Accordingly, the Board finds that good cause does not exist to excuse Veltruski's late filing and the late filed appeal is therefore rejected.

ORDER

The Board DECLINES to grant relief to Carlos A. Veltruski's (Veltruski) from the denial of his untimely filed request for an extension of time to file an appeal of the partial dismissal of his unfair practice charge in Case No. LA-CE-566-S. Veltruski's appeal from partial dismissal in Case No. LA-CE-566-S is hereby also REJECTED as untimely filed.

Members Baker and Whitehead joined in this Decision.