

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



GUST SIAMIS)	
)	
Charging Party-Petitioner,)	Case Nos. LA-CE-1163
)	LA-CE-1234
v.)	
)	
LOS ANGELES UNIFIED SCHOOL DISTRICT,)	Reconsideration
)	PERB Decision No. 311
Respondent.)	
_____)	PERB Decision No. 311a
)	February 23, 1984
GUST SIAMIS)	
)	
Charging Party-Petitioner,)	Case Nos. LA-CO-134
)	LA-CO-143
v.)	
)	
UNITED TEACHERS OF LOS ANGELES,)	
)	
Respondent.)	
_____)	

Appearances: Gust Siamis in his own behalf; Joel M. Grossman, Attorney (O'Melveny & Meyers) for Los Angeles Unified School District; and Richard J. Schwab, Attorney, (Law Offices of Lawrence B. Trygstad) for United Teachers of Los Angeles.

Before Tovar, Jaeger and Morgenstern, Members.

DECISION

JAEGER, Member: Petitioner requests reconsideration of PERB Decision No. 311 issued May 20, 1983, which disposed of four unfair practice charges filed by him. Two charges were against the Los Angeles Unified School District and two were against United Teachers of Los Angeles. The Board dismissed

three of the charges but remanded Case No. LA-CE-1163 for further proceedings.

DISCUSSION

PERB regulation 32410 provides in part:

(a) Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision within 20 days following the date of service of the decision. . . . The grounds for requesting reconsideration are limited to claims that the decision of the Board itself contains prejudicial errors of fact, or newly discovered evidence or law which was not previously available and could not have been discovered with the exercise of reasonable diligence. (Emphasis added.)

Petitioner raises no issues concerning the decision of the Board itself, claiming neither prejudicial error on its part nor the existence of new evidence not previously available to him. The basis for his request consists of a considerable volume of criticism, much of it diatribe, of the conduct and rulings of the administrative law judge (ALJ) who presided over the unfair practice cases. To a great extent, petitioner's allegations were presented to the Board itself in his exceptions to the ALJ's proposed decision. They were considered by the Board and rejected. To the extent petitioner seeks to introduce new allegations concerning the ALJ's conduct and rulings, he is too late. All of these purported incidents occurred, if at all, during the unfair practice hearing, were known to petitioner then and could have been raised in his appeal from the proposed order.

ORDER

The Board, finding in petitioner's request for reconsideration no viable claim of prejudicial error of fact contained in its Decision No. 311, and no claim of newly-discovered evidence or law which was not previously available to petitioner, ORDERS that the request for reconsideration is DENIED.

Members Tovar and Morgenstern joined in this Decision.