STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD

LU ANN CASEY,	)	
	)	
Charging Party,	)	Case No. S-CO-354
	)	
v.	)	PERB Decision No. 1123
	)	
LODI EDUCATION ASSOCIATION,	)	November 3, 1995
	)	
Respondent.	)	
	)	

Appearances: Brown, Hall, Clair & McKinley by Steven A. Clair, Attorney, for Lu Ann Casey; California Teachers Association by A. Eugene Huguenin, Jr., Attorney, for Lodi Education Association.

Before Garcia, Johnson and Caffrey, Members.

DECISION

CAFFREY, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal of a Board agent's dismissal of an unfair practice charge filed by Lu Ann Casey (Casey). In her charge, Casey alleged that the Lodi Education Association breached its duty of fair representation guaranteed by section 3544.9 of the Educational Employment Relations Act (EERA),[1] thereby violating EERA section 3543.6(b).

PERB Regulation 32635(a)[2] provides that an appeal of the dismissal of an unfair practice charge shall:

> (1) State the specific issues of procedure, fact, law or rationale to which the appeal is taken;

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[1]EERA is codified at Government Code section 3540 et seq.

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

(2) Identify the page or part of the dismissal to which each appeal is taken;

(3) State the grounds for each issue stated.

On September 18, 1995, Casey filed an appeal which states in its entirety:

> NOTICE IS HEREBY GIVEN that LU ANN CASEY appeals from the Notice of Dismissal and Refusal to Issue Complaint dated August 29, 1995, and from the whole thereof.

This notice of appeal does not comply with the requirements of PERB Regulation 32635(a) as it does not identify which portions of the dismissal are challenged, nor does it indicate the grounds for the appeal.

The Board has held that compliance with regulations governing appeals is required to afford the respondent and the Board with an adequate opportunity to address the issues raised, and noncompliance with this requirement warrants dismissal of the appeal. (Oakland Education Association (Baker) (1990) PERB Decision No. 827; International Union of Operating Engineers, Local 12, Public Service Division (Myers) (1992) PERB Decision No. 941-S; Regents of the University of California (Chan) (1994) PERB Decision No. 1069-H.)

To be timely filed, an appeal of the dismissal of Casey's charge must have been filed on or before September 25, 1995. (PERB Regs. 32635(a) and 32130(c).) On October 26, 1995, Casey filed an "Amended Notice of Appeal" and a request that the Board consider the late filed document. Casey asserts that her original appeal satisfies the requirements of PERB

Regulation 32635(a). However, if it is found insufficient, Casey urges the Board to consider the amended statement of appeal.

PERB Regulation 32136 states, "A late filing may be excused in the discretion of the Board for good cause only." Casey has failed to demonstrate good cause and, therefore, the Board declines to consider the late filed, amended appeal.

Based on the foregoing, the Board rejects the appeal for failure to comply with PERB regulations.

ORDER

The unfair practice charge in Case No. S-CO-354 is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Members Garcia and Johnson joined in this Decision.