

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



RICHLAND ELEMENTARY SCHOOL DISTRICT,

Employer, APPELLANT,

and

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION,  
CHAPTER 39,

Employee Organization.

Case No. LA-UC-14

PERB Order No. Ad-36

Administrative Appeal

May 30, 1978

Appearances: Frank J. Fekete, Attorney (School Legal Service of Kern County) for Richland Elementary School District; Carl B. A. Lange, III (Schools Employer-Employee Relations Service) for Richland Elementary School District; Robert M. Baker for California School Employees Association, Richland Chapter 39.

Before: Gluck, Chairperson; Gonzales and Cossack Twohey, Members.

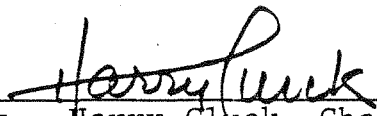
OPINION

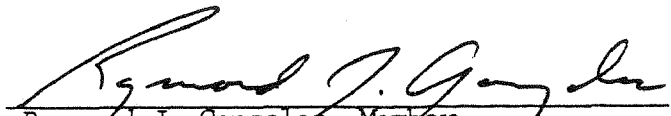
This administrative appeal is from a determination by the executive assistant to the Board that Richland Elementary School District's appeal from a hearing officer's proposed decision was filed untimely.

The appeal of the proposed decision has nevertheless been considered and disposed of by the Board itself. Richland Elementary School District (9/12/77) EERB Decision No. 26. The question now before us is therefore moot.

ORDER

The appeal from the executive assistant to the Board's determination that the exceptions to the proposed decision were untimely filed by Richland Elementary School District is dismissed because the issue raised by the appeal is moot.

  
By: Harry Gluck, Chairperson

  
Raymond J. Gonzales, Member

  
Jerilou Cossack Twohey, Member

## EDUCATIONAL EMPLOYMENT RELATIONS BOARD

Headquarters Office  
923 12th Street, Suite 201  
Sacramento, California 95814  
(916) 322-3088



August 17, 1977

RECEIVED  
AUG 22 1977

KERN COUNTY SCHOOLS  
LEGAL SERVICE

Mr. Frank J. Fekete  
Schools Legal Service of Kern County  
5801 Sundale Avenue  
Bakersfield, CA 93309

Re: Richland Elementary School District, LA-UC-14

Dear Mr. Fekete:

This letter will acknowledge receipt of the exceptions filed by Richland Elementary School District in the above-captioned case. Unfortunately, your documents were not timely filed pursuant to California Administrative Code Section 33380.

Our records indicate that the proposed decision was received in your office on July 25, 1977. Section 33380 states that a party may file exceptions to the proposed decision within seven calendar days after receipt of the proposed decision. Your exceptions were due to be filed on or before August 1, 1977. The exceptions were not actually filed until August 3, 1977.

As a result of this failure to timely file, the enclosed exceptions cannot be submitted to the Board itself for consideration. Please be advised that while there are no rules to this effect, you are welcome to appeal this rejection of your filing to the Board itself. Should you choose to do so, your appeal should be filed in this office on or before seven calendar days from receipt of this communication.

Sincerely,

A handwritten signature in cursive script that reads 'Stephen Barber'.

Stephen Barber  
Executive Assistant  
to the Board