

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



DONNA C. RAY, )  
 )  
Charging Party, ) Case No. SF-CE-347-H  
 )  
v. ) Administrative Appeal  
 )  
REGENTS OF THE UNIVERSITY OF ) PERB Order No. Ad-243-H  
CALIFORNIA, )  
 )  
Respondent. )  
 )  
\_\_\_\_\_ )  
 )

Appearance: Donna C. Ray, on her own behalf.

Before Blair, Chair; Hesse and Carlyle, Members.

DECISION

BLAIR, Chair: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Donna C. Ray (Ray), from the PERB appeals assistant's rejection of Ray's untimely request for an extension of time to file an appeal of the Board agent's dismissal of her unfair labor charge in Case No. SF-CE-347-H.

The Board agent's dismissal letter was served on Ray by mail December 24, 1992. Under PERB Regulations 32635(a) and 32136,<sup>1</sup> Ray had until January 13, 1993, to file an appeal with the Board itself. A request for an extension of time must be filed at least three days before the expiration of the time required for filing the document. The dismissal letter informed Ray of this time frame.

<sup>1</sup>PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Ray filed her request for an extension of time on January 12, 1993. To be timely filed, this request should have been received by the Board on or before January 11, 1993 (since the third day prior to the expiration of the time required for filing an appeal was Sunday, January 10, 1993). Consequently, the PERB appeals assistant denied the request for an extension of time to file an appeal of the dismissal. Ray's request for an extension of time stated only:

I am writing to request an extension of 30 days to allow me to again review the evidence and responses from PERB in connection with the charges against the defending parties.

The request included no reasons or explanation as to why it was untimely.

In her appeal, no additional facts are alleged which give any reason as to why she was late in requesting the extension of time. She merely states that on January 19, 1993, after receiving the denial of her request from the appeals office, she contacted both the appeals assistant and respondent's attorney asking them to extend her more time. These contacts were made 8 days after Ray should have requested her extension of time.

PERB Regulation 32136 states:

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.

The Board has found that where a party fails to provide any reason for filing documents late, the Board is precluded from

finding that good cause exists. (Sonoma County Office of Education (1992) PERB Order No. Ad-230.)

In the instant case, Ray provided no excuse for her failure to timely request the extension of time, as indicated by the facts above. Therefore, the Board finds that good cause does not exist to excuse Ray's untimely request for an extension of time to file an appeal.

ORDER

Ray's appeal of the PERB appeals assistant's rejection of her untimely request for an extension of time is hereby DENIED.

Members Hesse and Carlyle joined in this Decision.