

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



|                                    |   |                             |
|------------------------------------|---|-----------------------------|
| TONY PETRICH,                      | ) | Case Nos. LA-CE-2112        |
|                                    | ) | LA-CE-2130                  |
| Charging Party,                    | ) | LA-CE-2134                  |
|                                    | ) | LA-CE-2143                  |
| v.                                 | ) |                             |
|                                    | ) | Request for Reconsideration |
| RIVERSIDE UNIFIED SCHOOL DISTRICT, | ) | PERB Decision No. 622       |
|                                    | ) |                             |
| Respondent.                        | ) | PERB Decision No. 622a      |
|                                    | ) | August 31, 1987             |

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Appearance; Tony Petrich, on his own behalf.

Before Hesse, Chairperson; Porter and Craib, Members.

DECISION

CRAIB, Member: Charging Party Tony Petrich requests reconsideration of PERB Decision No. 622, issued June 11, 1987. In that Decision, the Public Employment Relations Board (PERB or Board) affirmed a proposed decision of a PERB administrative law judge (ALJ) finding that Charging Party failed to establish any violation of the Educational Employment Relations Act (EERA).<sup>1</sup> Specifically, in Case Nos. LA-CE-2112, LA-CE-2130 and LA-CE-2143, the Board affirmed the ALJ's decision that Charging Party had failed to establish a prima facie violation in his case in chief. In Case No. LA-CE-2134 (in which the Respondent was required to present evidence), the Board affirmed the ALJ's conclusion that no threat had occurred at an August 23, 1984 meeting concerning Respondent Riverside Unified School District's

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<sup>1</sup>The EERA is codified at Government Code section 3540, et seq.

desire to change Charging Party's starting time. However, the Board found it unnecessary to consider, assuming arguendo that a threat occurred, whether such threat was in response to protected activity. The Board, therefore, declined to adopt that portion of the ALJ's analysis.

#### DISCUSSION

PERB Regulation 32410(a)<sup>2</sup> states, in pertinent part:

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.

In his request for reconsideration, Charging Party begins by asserting that the Board's Decision contains prejudicial errors of fact and law. He then proceeds to reargue essentially the entire case, reiterating points raised in his earlier appeal of the ALJ's proposed decision.

On numerous occasions the Board has held that the mere restating of argument previously considered and rejected by the Board in the underlying decision does not constitute a proper ground for reconsideration. See, e.g., Riverside Unified School District (1986) PERB Decision No. 562a, Rio Hondo Community College District (1983) PERB Decision No. 279a. As Charging Party raises no new issue of fact or law, but instead merely

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<sup>2</sup>PERB Regulations are codified at California Administrative Code, title 8, section 31001 et seq.

restates arguments made in his appeal of the proposed decision, reconsideration is not appropriate. In the underlying Decision, we found the ALJ's findings of fact and conclusions of law to be free of prejudicial error and we made or reached no additional findings of fact or conclusions of law. Charging Party's claims of prejudicial errors of fact and law, therefore, necessarily relate to the proposed decision, which has already been thoroughly reviewed in the underlying Decision. We have thus previously considered and rejected these claims.

ORDER

There being no proper grounds for reconsideration stated, the request for reconsideration of PERB Decision No. 622 is hereby DENIED.

Chairperson Hesse and Member Porter joined in this Decision.

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