

STATE OF CALIFORNIA
DECISION OF THE EDUCATIONAL
EMPLOYMENT RELATIONS BOARD

ORDER

In the Matter of Administrative Appeal of
Rejection of Filing of Appeal to the
Dismissal of the Unfair Charge

SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 22,
Employee Organization, Appellant,

vs.

FOLSOM CORDOVA UNIFIED SCHOOL DISTRICT,
Employer,

and

CALIFORNIA SCHOOL EMPLOYEES ASSOCIATION, CHAPTER 528,
Employee Organization.

Case Nos. S-CE-56
S-CO-15

EERB Order No. Ad-15

July 7, 1977

The determination by the Executive Assistant to the Board that the Charging Party's appeal of the Notice of Dismissal, in the above-captioned case, was not timely filed and cannot, therefore, be accepted is sustained by the Board itself.

Educational Employment Relations Board

by



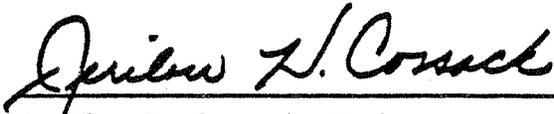
STEPHEN BARBER
Executive Assistant to the Board

7/7/77

Jerilou H. Cossack, Member, concurring in part:

I concur in the rejection of the charging party's untimely appeal from the hearing officer's dismissal of the charge. I believe that an administrative agency, as Justice Tobriner writing for the California Supreme Court stated, 'must set forth findings to bridge the analytic gap between the raw evidence and ultimate decision or order.... Among other functions a findings requirement serves to conduce the administrative body to draw legally relevant subconclusions supportive of its ultimate decision; the intended effect is to facilitate orderly

analysis and minimize the likelihood that the agency will randomly leap from evidence to conclusions.... They also serve a public relations function by helping to persuade the parties that administrative decision-making is careful, reasoned, and equitable." Topanga Assn. v. County of Los Angeles, 11 Cal.3d 506, 113 Cal.Rptr. 836 (1974). However, a majority of the Board has elected not to set forth its findings of fact and conclusions of law. It would be an exercise in futility for me, as one member, to do so, since neither the parties nor any reviewing court could rely upon one member's opinion as accurately reflecting the reasoning of the Board as a whole.



Jeyilou H. Cossack, Member