

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.

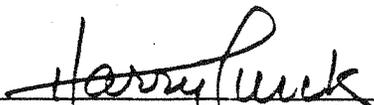
OPINION

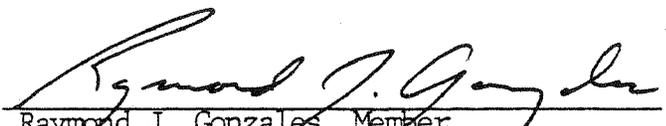
This administrative appeal is from a determination by the executive assistant to the Board that Richland Elementary School District's appeal from a hearing officer's proposed decision was filed untimely.

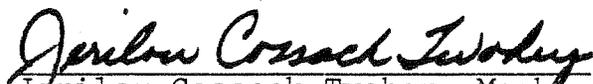
The appeal of the proposed decision has nevertheless been considered and disposed of by the Board itself. Richland Elementary School District (9/12/77) EERB Decision No. 26. The question now before us is therefore moot.

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

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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