

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



MENCHU Y. REBOSURA,)
)
Charging Party,) Case No. SF-CO-22-S
)
v.) Administrative Appeal
)
CALIFORNIA STATE EMPLOYEES) PERB Order No. Ad-245-S
ASSOCIATION,)
)
Respondent.)
)
_____)

Appearance: Menchu Y. Rebosura, on her own behalf.

Before Blair, Chair; Caffrey and Carlyle, Members.

DECISION

CAFFREY, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Menchu Y. Rebosura (Rebosura) of the PERB appeals assistant's rejection of Rebosura's untimely request for an extension of time. Rebosura sought an extension of time to file an appeal of a Board agent's dismissal of her unfair practice charge.

The Board agent's dismissal was served on Rebosura by mail on February 22, 1993.¹ The dismissal letter included information concerning the filing of an appeal and a request for an extension of time.

In accordance with PERB regulations,² an appeal of the dismissal was due to be filed on or before March 19. PERB Regulation section 32132 states, in pertinent part:

¹All dates herein refer to 1993, unless otherwise noted.

²PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

(a) A request for an extension of time within which to file any document with the Board itself shall be in writing and shall be filed at the headquarters office at least three days before the expiration of the time required for filing.

Rebosura's letter requesting an extension of time is dated March 16. It was sent by regular mail postmarked March 17, and was not received and filed at PERB's headquarters office until March 22. As a result, the PERB appeals assistant rejected Rebosura's extension of time request as untimely filed.

Rebosura's appeal of the late filing rejection questions the efficiency of the mail service and reiterates some of the concerns underlying the dismissed unfair practice charge.

PERB Regulation section 32136 authorizes the Board to excuse a late filing for good cause only.

In her appeal, Rebosura has not provided an adequate explanation of her failure to comply with the filing deadline discussed in the dismissal letter. Therefore, the Board finds that good cause does not exist to excuse the late filing of the request for an extension of time.

ORDER

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

Chair Blair and Member Carlyle joined in this Decision.