

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



ANDREW CHRISTIAN COELHO,

Charging Party,

v.

SAN BERNARDINO PUBLIC EMPLOYEES
ASSOCIATION,

Respondent.

Case No. LA-CO-92-M

PERB Decision No. 2014-M

March 23, 2009

Appearances: Andrew Christian Coelho, on his own behalf; Dennis J. Hayes, Attorney, for San Bernardino Public Employees Association.

Before McKeag, Neuwald and Dowdin Calvillo, Members.

DECISION

DOWDIN CALVILLO, Member: This case is before the Public Employment Relations Board (PERB or Board) on appeal by Andrew Christian Coelho (Coelho) of a Board agent's dismissal of his unfair practice charge. The charge alleged that the San Bernardino Public Employees Association (Association) violated the Meyers-Milias-Brown Act (MMBA)¹ by failing to fairly represent Coelho regarding the termination of his employment with the City of Big Bear Community Services District. The Board agent dismissed the charge for failure to state a prima facie case that the Association breached its duty of fair representation.

The Board has reviewed the entire record in this matter, including but not limited to, the original and amended unfair practice charge, the Association's position statement, the Board agent's warning and dismissal letters, Coelho's appeal and the Association's response thereto.

¹ MMBA is codified at Government Code section 3500 et seq.

Based on this review, the Board dismisses Coelho's appeal for failure to comply with PERB Regulation 32635(a)² as discussed below.

DISCUSSION

PERB Regulation 32635(a) states, in relevant part, that an appeal of a dismissal must:

- (1) State the specific issues of procedure, fact, law or rationale to which the appeal is taken;
- (2) Identify the page or part of the dismissal to which each appeal is taken;
- (3) State the grounds for each issue stated.

“[C]ompliance with regulations governing appeals is required to afford the respondent and the Board an adequate opportunity to address the issues raised, and noncompliance will warrant dismissal of the appeal.” (*California State Employees Association (Myers)* (1992) PERB Decision No. 942-S.)

Appeals that state nothing more than the charging party appeals the dismissal of the unfair practice charge have been dismissed by the Board for failure to comply with PERB Regulation 32635(a). For example, in *United Teachers – Los Angeles (Glickberg)* (1990) PERB Decision No. 846, the Board dismissed an appeal that stated in its entirety: “Claimant David Glickberg hereby appeals the decision by the Public Employment Relations Board, dated June 29, 1990, Dismissing and Refusing to issue a complaint in the above-captioned matter.” (*Accord Lodi Education Association (Hudock)* (1995) PERB Decision No. 1124; *California School Employees Association and its San Juan Chapter #127 (Hare)* (1995) PERB Decision No. 1089; *Los Angeles Community College District* (1990) PERB Decision No. 847.) The Board has also dismissed appeals for failure to comply with PERB Regulation 32635(a) that merely reiterate facts alleged in the unfair practice charge. (*Contra Costa*

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

County Health Services Department (2005) PERB Decision No. 1752-M; County of Solano (Human Resources Department) (2004) PERB Decision No. 1598-M.)

Coelho's appeal states in its entirety:

I am appealing the dismissal of my charge.

Enclosed are 5 copies.

Attached to the appeal is a copy of Coelho's amended charge.

Like the appeals in the cases cited above, Coelho's appeal fails to state specific issues or parts of the dismissal to which appeal is taken, or to state grounds for the appeal.

Accordingly, the Board dismisses Coelho's appeal for failure to comply with PERB Regulation 32635(a).

ORDER

The unfair practice charge in Case No. LA-CO-92-M is hereby DISMISSED WITHOUT LEAVE TO AMEND.

Members McKeag and Neuwald joined in this Decision.