

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



WANDA R. SHELTON,

Charging Party,

v.

SAN BERNARDINO COUNTY PUBLIC
DEFENDER,

Respondent.

Case No. LA-CE-390-M

Request for Reconsideration
PERB Decision No. 2058-M

PERB Decision No. 2058a-M
October 30, 2009

Appearance: Wanda R. Shelton, on her own behalf.

Before McKeag, Neuwald and Wesley, Members.

DECISION

McKEAG, Member: This case comes before the Public Employment Relations Board (PERB or Board) on a request for reconsideration by Wanda R. Shelton (Shelton) of the Board's decision in *San Bernardino County Public Defender* (2009) PERB Decision No. 2058-M. In that case, Shelton alleged that the San Bernardino County Public Defender violated the Meyers-Milias-Brown Act (MMBA)¹ by denying her the right to union representation and retaliated against her by placing her on administrative leave. Shelton alleged that this conduct constituted a violation of MMBA sections 3502, 3503 and 3506.

The administrative law judge found that Shelton failed to satisfy her burden of proof and, consequently, dismissed the complaint and underlying unfair practice charge. The Board found the proposed decision well-reasoned, adequately supported by the record and in

¹ MMBA is codified at Government Code section 3500 et seq. Unless otherwise indicated, all statutory references herein are to the Government Code.

accordance with applicable law. Accordingly, the Board adopted the proposed decision as a decision of the Board itself, subject to a brief discussion regarding the right to union representation.

DISCUSSION

Requests for reconsideration are governed by PERB Regulation 32410² which provides in pertinent part:

The grounds for requesting reconsideration are limited to claims that: (1) the decision of the Board itself contains prejudicial errors of fact, or (2) the party has newly discovered evidence which was not previously available and could not have been discovered with the exercise of reasonable diligence.

The instant request for reconsideration neither identifies prejudicial errors of fact, nor presents newly discovered evidence. Rather, the request merely reiterates the arguments previously raised on appeal. The Board has held that simply arguing the same facts that were presented on appeal does not fill the requirements of PERB Regulation 32410. (*Oakland Unified School District* (2004) PERB Decision No. 1645a.) Accordingly, because it did not satisfy the requirements for reconsideration, Shelton's request for reconsideration is denied.

ORDER

Wanda R. Shelton's request for reconsideration of *San Bernardino County Public Defender* (2009) PERB Decision No. 2058-M is hereby DENIED.

Members Neuwald and Wesley joined in this Decision.

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