

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



VINCENT DARRYL WOODS,	)	
	)	Case No. LA-CE-2908
Charging Party,	)	
	)	Request for Reconsideration
v.	)	PERB Order No. Ad-228
	)	
LOS ANGELES UNIFIED SCHOOL DISTRICT,	)	PERB Order No. Ad-228a
	)	
Respondent.	)	March 19, 1992
_____		)

Appearance: Vincent Darryl Woods, on his own behalf.  
Before Hesse, Chairperson; Camilli and Carlyle, Members.

DECISION

CARLYLE, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request for reconsideration filed by Vincent Darryl Woods (Woods) of the Board's decision in Los Angeles Unified School District (1992) PERB Order No. Ad-228. In that decision, the Board affirmed the PERB appeals assistant's rejection of Wood's exceptions to an administrative law judge's decision on the grounds that the appeal was not timely filed. For the reasons expressed below, the Board denies Woods' request for reconsideration.

DISCUSSION

PERB Regulation 32410(a)<sup>1</sup> states, in pertinent part:

Any party to a decision of the Board itself may, because of extraordinary circumstances, file a request to reconsider the decision within 20 days following the date of service

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<sup>1</sup>PERB Regulations are codified at California Code of Regulations, title 8, section 310001 et seq.

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

Woods bases his request for reconsideration on the grounds that his disability prevented him from filing his appeal in a timely manner. In PERB Order No. Ad-228, the Board rejected Woods' contention that his failure to timely file should be excused as a result of his disability and poor health. The Board has held that reconsideration is not appropriate when a party restates an argument which was considered and rejected by the Board in its underlying decision. (Los Angeles Community College District (1992) PERB Decision No. 908a; Tustin Unified School District (1987) PERB Decision No. 626a.) Accordingly, Woods has failed to demonstrate extraordinary circumstances warranting reconsideration.

ORDER

There being no proper grounds for reconsideration stated, the request for reconsideration of PERB Order No. Ad-228 is hereby DENIED.

Chairperson Hesse and Member Camilli joined in this Decision.

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PUBLIC EMPLOYMENT RELATIONS BOARD

HEADNOTE HEADNOTE HEADNOTE

CASE NAME: VINCENT DARRYL WOODS v. LOS ANGELES UNIFIED SCHOOL DISTRICT  
CASE NUMBER: LA-CE-2908  
AUTHOR: CARLYLE

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The Board denied charging party's appeal of its untimely filed exceptions.

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SUBJECT HEADINGS FOR PERB INDEX:

- 1107. CASE PROCESSING PROCEDURES; PROCEDURES BEFORE THE BOARD
- 1107.01 Exceptions; Responses to Exceptions; Standing; Extensions of Time/Late Filing/Waiver  
(No good cause to excuse late filing when letter postmarked three days after date set for filing. Nature of disability or health concerns not documented; no good cause demonstrated as party had been previously made aware of PERB's regulations concerning the filing of exceptions; p. 3.)

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