

STATE OF CALIFORNIA  
DECISION OF THE  
PUBLIC EMPLOYMENT RELATIONS BOARD



ELIZABETH KISZELY, )  
 )  
Charging Party, ) Case No. LA-CO-714  
 )  
v. ) Administrative Appeal  
 )  
UNITED FACULTY ASSOCIATION OF ) PERB Order No. Ad-289  
NORTH ORANGE COUNTY COMMUNITY )  
COLLEGE DISTRICT, ) June 18, 1998  
 )  
Respondent. )  
\_\_\_\_\_ )

Appearance: Elizabeth Kiszely, on her own behalf.  
Before Caffrey, Chairman; Dyer and Amador, Members.

DECISION

CAFFREY, Chairman: This case is before the Public Employment Relations Board (PERB or Board) on a request by Elizabeth Kiszely (Kiszely) that the Board accept the late filed corrections to her appeal of a Board agent's dismissal of her unfair practice charge.

BACKGROUND

The Board agent's dismissal was served on the parties on March 13, 1998.<sup>1</sup> Pursuant to PERB Regulation 32635(a),<sup>2</sup>

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<sup>1</sup>All dates refer to 1998.

<sup>2</sup>PERB regulations are codified at California Code of Regulations, title 8, section 31001 et seq. Regulation 32635 states, in pertinent part:

Within 20 days of the date of service of a dismissal, the charging party may appeal the dismissal to the Board itself. The original appeal and five copies shall be filed in writing with the Board itself in the headquarters office, and shall be signed by

Kiszely's appeal of the dismissal was due to be filed no later than April 7. On April 7, Kiszely timely filed an appeal of the Board agent's dismissal. However, on April 8, one day after the filing deadline, Kiszely filed a correction to her appeal. On April 14, the PERB appeals assistant rejected the correction as untimely filed.

On April 22, Kiszely filed the instant appeal of the rejection of her untimely April 8 filing. Kiszely states that she "was sick much of the weekend and day before the appeal was due." Consequently, Kiszely indicates that her timely April 7 appeal contains errors which are corrected by the untimely April 8 filing. Kiszely asks the Board to accept her late filed corrections in the interest of clarity, and to provide answers to questions which may occur to a reader of her appeal.

#### DISCUSSION

PERB Regulation 32136 states, in pertinent part:

A late filing may be excused in the discretion of the Board for good cause only.

In applying this regulation, the Board has found good cause to excuse a late filing which resulted from exceptions being directed to the wrong PERB office. (North Orange County Regional Occupational Program (1990) PERB Decision No. 807.) The Board has also found that the inadvertent, incorrect use of a postage

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the charging party or its agent. Except as provided in Section 32162, service and proof of service of the appeal on the respondent pursuant to Section 32140 are required.

meter resulting in an incorrect postmark represented good cause to excuse a late filing. (Trustees of the California University (1989) PERB Order No. Ad-192-H.)

However, the Board has considered circumstances relating to the illness of a party's family member and concluded that they did not constitute good cause to excuse a late filing. (Pasadena Community College District (1992) PERB Order No. Ad-234; North Monterey County Unified School District (1996) PERB Order No. Ad-274.)

In this case, Kiszely was able to timely file an appeal on April 7, despite any illness she may have been experiencing. As a result, it is unclear how that illness contributed to her April 8 late filing. Therefore, the Board concludes that Kiszely has not demonstrated good cause to excuse her April 8 late filing of the corrections to her appeal.

ORDER

Elizabeth Kiszely's request that the Board accept her late filed corrections to her appeal of the dismissal in Case No. LA-CO-714 is hereby DENIED.

Members Dyer and Amador joined in this Decision.