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shall be granted for the filing of initial pleadings... Board Rules governing the initiation of actions before the Board are jurisdictional and mandatory... In light of the above, your motion must be denied... If you chose to file an Arbitration Review Request, the Board will review all the pleadings, including submissions by FOP, to determine if your submission complies with Board Rule 538.

Board Rule 538.1 provides as follows:

A party to a grievance arbitration proceeding who is aggrieved by the arbitration award **may file a request for review with the Board not later than twenty (20) days after service of the award.** (Emphasis added).

The arbitration review request shall be designated "ARBITRATION REVIEW REQUEST" and shall contain the following information...:

* * *

- (e) **A copy of the award and affidavit or other proof of the date of service of the award shall accompany the arbitration review request.** (Emphasis added).

You state in your submission that the Arbitrator's Award in this case was served upon you on February 10, 1998. As a result, pursuant to Board Rule 538.1, your arbitration review request was due in this office not later than close of business (4:45 p.m.) on March 2, 1998. On March 2nd, this office received your submission via fax. Subsequently, on March 4, 1998, this office received your original filing with the required copies. A review of your March 2nd and March 4th submissions reveal a filing deficiency. Specifically, you failed to include a copy of the Arbitrator's Award with your submission. Therefore, your submission does not comply with Board Rule 538.1(e).

Pursuant to Board Rule 501.13, a party has ten (10) days from the date of the deficiency notice to

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cure the deficiency. However, in the instant case, you filed your arbitration review request on the last day that it could be filed. As a result, the above-noted filing deficiency could not be cured in a timely manner and any subsequent filing of this arbitration review request would clearly exceed the 20-day requirement in Board Rule 538.1. The Board has stated that Rule 501.13 provides that "pleadings submitted for filing will not be assigned a filing date or case number until any noted deficiencies are timely cured." D.C. General Hospital and Doctors' Council of the District of Columbia General Hospital, Slip Op. No. 493, PERB Case No. 96-A-08 (1996). Accordingly, in the instant case, your arbitration review request was not officially filed when it was received via fax on March 2, 1998. The Board has held that "[p]arties must meet the respective filing requirements for a cause of action no matter what mode of filing is used." Id. at p.4, note 3.

In light of the above, I am dismissing your request. If you disagree, you may formally request that the Board review my determination. However, pursuant to Board Rule 500.4, this decision shall become final unless a motion for reconsideration is filed within thirty (30) days after issuance of this decision.

On March 20, 1998, Complainant filed a document styled "District of Columbia Metropolitan Police Department's Motion for Reconsideration." FOP did not file a response to the Motion. Upon review of the pleadings in a light most favorable to the Petitioner and applicable Board precedent, we find for the reasons stated in the Executive Director's March 7th letter that the Arbitration Review Request was untimely filed. Therefore, we lack the jurisdictional authority to consider it. In this regard, no basis exists for disturbing the Executive Director's administrative dismissal of the Request and we hereby affirm his decision.

The OCC's contentions are twofold: (1) PERB Rule 538.1 does not predicate the review of an arbitration decision upon a copy of the arbitration award being filed not later than twenty days after service of the award; and (2) there is no Board Rule that states that the 10-day period of Rule 501.13 is a part of any Board Rules that establish filing periods. (Mot. at 2-3.) With respect to the OCC's arguments, we note that by letter dated February 26, 1998, the Executive Director informed the Petitioner as follows:

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Board Rule 501.1 provides that '...no extension shall be granted for the filing of initial pleadings'. Moreover, Board Rules governing the initiation of actions before the Board are jurisdictional and mandatory. As such, they provide the Board with no discretion or exception for extending the deadline for initiating and action. See, Public Employe Relations Board v. D.C. Metropolitan Police Department, 593 A.2d 641 (1991).

In view of the above, the opportunity the Board provides parties under Board Rule 501.13 to cure a deficient pleading when initiating a cause of action, cannot act to extend the mandatory and jurisdictional time period allowed to initiate a cause of action. OCC filed its Arbitration Review Request on the March 2, 1998, the last day it could have timely filed the Request. Also, there is no dispute that the filed Request did not include a copy of the Arbitrator's Award. Moreover, notwithstanding the OCC's contentions to the contrary, Board Rule 538.1 plainly prescribes, and we have held, that the arbitration award is a required part of an arbitration review request. D.C. General Hospital and Doctors' Council of the District of Columbia General Hospital, Slip Op. No. 493 at n. 3, PERB Case No. 96-A-08 (1996).^{1/} Absent the award, the OCC's Request was not officially filed on March 2, 1998, and no time remained for the OCC to timely cure this deficiency.

ORDER

IT IS HEREBY ORDERED THAT:

The Petitioner's request that the Executive Director's administrative dismissal of the Arbitration Review Request be reversed is denied.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD
Washington, D.C.

April 23, 1998

^{1/} We held that the Petitioner's arbitration review request did not meet the filing requirements of Board Rule 538.1(e) by failing to include a copy of the arbitration award. We further observed, citing Board Rule 501.13, that the arbitration review request was not officially filed until the day it was cured, i.e., the day the Petitioner filed a copy of the arbitration award, and that the date it was cured was after the latest date the arbitration review request could have been timely filed.