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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

)	
In the Matter of:)	
)	
Carlton Butler, Ernest Durant,)	
John Rosser and Willie Temoney,)	
)	
Complainants/Petitioners,)	PERB Case No. 99-S-02
)	Opinion No. 587
v.)	
)	
Fraternal Order of Police/ Department of Corrections Labor Committee,)	MOTION FOR RECONSIDERATION
)	
Respondent.)	
)	

DECISION AND ORDER

On February 3, 1999, the Board issued a Decision and Order, Opinion No. 580, in which it denied the Complainants' Request for Preliminary Relief and granted Respondent's Motion to Dismiss the above-referenced case. On February 16, 1999, Petitioners filed this "Reconsideration Motion" pursuant to Board Rule 559.2.

The issues are set forth in Opinion No. 580. In that Opinion, we found that the Complainants' "failure to cure deficiencies render[ed] [the] complaint lacking in specificity to such an extent that a determination [could] not be made whether or not a cause of action exists or jurisdictional requirements are met." Slip Op. No. 580 at 4. Notwithstanding the Complainants' attempt to cure and given the state of the Complaint, we were "constrained to dismiss [the] complaint allegations". Id.^{1/}

Petitioners' current Motion provides no new grounds for consideration of our earlier determinations. Petitioners fail to

^{1/} The Board also identified specific grounds for the dismissal of certain allegations based on: (1) timeliness; (2) a failure to allege actual injury by FOP members arising from FOP's failure to comply with the asserted standards of conduct for labor organization; and/or (3) the Board's lack of jurisdiction over asserted causes of action proscribed under a labor statute not administered by the PERB, i.e., the Federal Labor-Management Relations Disclosure Act.

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state a claim under the Comprehensive Merit Personnel Act (CMPA) when they do not allege the required elements of an asserted statutory violation, as Complainants have failed to do here. Miller v. AFGE, Local 631 and D.C. Department of Public Works, Slip Op. No. 371, PERB Case Nos. 93-S-02 and 93-U-25 (1994). See, also, Beeton v. D.C. Department of Corrections and FOP/DOC Labor Committee, 45 DCR 2078, Slip Op. No. 538, PERB Case No. 97-U-26 (1998).

The Petitioners have requested in the alternative that their Complaint be dismissed without prejudice. Petitioners do not offer any basis for granting such extraordinary relief. The Complainants have already received an opportunity to cure deficiencies in their Complaint. They did not do so before filing their Amended Complaint which served, in part, as the basis for the Board's dismissal.

Furthermore, other grounds supported the Board's dismissal. This included the timeliness of some allegations and the assertion of violations not covered under the CMPA's standards of conduct for labor organizations.

The Board has accorded pro se Complainants great latitude to state a proper cause of action before dismissing a complaint for such deficiencies. However, a Respondent has a right to some expectation of finality under the rules governing the Board's processes.^{2/}

The Board, having considered the Motion, finds that the Petitioner raises no factors or supporting arguments that were not considered in our initial determination. Therefore, the Petitioner's Motion for Reconsideration of Opinion No. 580 is hereby denied.

^{2/} The Complainants erroneously observed that the Board based its decision to dismiss the Amended Complaint on the Complainants' failure to file a timely response to FOP's Motion to Dismiss. (Mot./Reconsid. at 4.) The Complainants then proceed to devote a great deal of discussion suggesting that the Board did not hold the attorney for FOP to the same time frame standard by according FOP additional time to file its response to Complainants' Request for Preliminary Relief. The Complainants fail to note that, unlike the extension of time accorded FOP's filing, the Complaints never requested an extension of the time to file its response to FOP's Motion to Dismiss. Moreover, as discussed in the text above, the Board's decision to dismiss the Amended Complaint turned on jurisdictional problems and deficiencies in the asserted claims alleged in the Complaint itself.

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ORDER

IT IS HEREBY ORDERED THAT:

The Petitioners' Motion for Reconsideration is denied.

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

May 5, 1999