

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)

Glendale Hoggard,)

Petitioner,)

v.)

The District of Columbia)
Public Schools,)

and)

The American Federation of)
State, County and Municipal)
Employees, District Council 20,)
Local 1959, AFL-CIO,)

Respondents.)

PERB Case No. 93-U-10
Opinion No. 357

ORDER

On May 10, 1993, the Public Employee Relations Board (Board) issued its Decision and Order, Opinion No. 352 in the above-captioned case, affirming the Executive Director's administrative dismissal of unfair labor practice allegations in a Complaint filed by Complainant Glendale Hoggard (Complainant or Petitioner) with respect to Respondent District of Columbia Public Schools (DCPS).^{1/}

On June 10, 1993, the Complainant filed a Motion for Reconsideration of Opinion No. 352. No response to the Motion was filed by DCPS.

In reaching our conclusion that the Complaint allegations were untimely, we accepted, *arguendo*, Complainant's contention that the timeliness of the allegation with respect to DCPS should be measured from October 1, 1992, the first day that Complainant

^{1/} The Complaint allegations against the American Federation of State, County and Municipal Employees, D. C. Council 20, Local 1959, AFL-CIO (AFSCME) were considered separately by the Board in Glendale Hoggard v. The District of Columbia Public Schools et al., DCR, Slip Op. No. 352, PERB Case No. 93-U-10 (1993).

Order

PERB Case No. 93-U-10

Page 2

was no longer employed by DCPS.^{2/} Based on this premise, we concluded that "[e]ven if Petitioner was not 'aware' of his September 30, 1992 termination until he reported to work on October 1, 1992, his Complaint, nevertheless, could not be accepted for filing after January 29, 1993, as stated in the Executive Director's letter of dismissal." Glendale Hoggard v. The District of Columbia Public Schools et al., DCR, Slip Op. No. 352 at 3, PERB Case No. 93-U-10 (1993). In view of the basis of our ruling in Opinion No. 352, we find the arguments raised in Complainant's Motion without merit.^{3/}

Complainant's Motion for Reconsideration, therefore, is hereby denied.

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

July 29, 1993

^{2/} Complainant himself states and presented as attachments to his Complaint documentation that DCPS provided to him and AFSCME on July 12 and again on July 31, 1992, a notice of its decision not to reappoint him, effective October 1, 1992. These documents establish that he had unequivocal notice of DCPS' decision to take this action against him not to reappoint him --which is the subject of his Complaint-- prior to October 1, 1992. The November 13, 1992 post-termination personnel action form received by Complainant was merely cumulative with respect to the earlier notices of DCPS' decision not to reappoint Complainant. We find no merit to Complainant's argument for extending the date when his cause of action arose nor are we aware of any authority supporting his assertion that the factual findings contained in an unappealed agency decision, i.e., Unemployment Compensation Board, on an unrelated matter, are binding on another agency, i.e., the Board.

^{3/} In his Motion, Complainant takes issue with an observation we made in footnote 1 of Opinion 352, in response to one of Complainant's arguments. On reconsideration, we hereby withdraw that footnote as inapplicable to the facts presented in this case.