

Notice: This decision may be formally revised before it is published in the Register. Parties should promptly notify this office of any errors that should be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

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

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In the Matter of:)
)
The District of Columbia Metropolitan)
Police Department,)
)
Petitioner,)
)
v.)
)
Fraternal Order of Police/Metropolitan)
Police Department Labor Committee,)
)
Respondent.)
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PERB Case No. 20-A-07 MFR
Opinion No. 1763

DECISION AND ORDER

On September 14, 2020, the District of Columbia Metropolitan Police Department (MPD) filed a Motion for Reconsideration (Motion), seeking reconsideration of the Opinion No. 1756 issued by the Board on August 31, 2020, which denied MPD’s Arbitration Review Request. On September 17, 2020, the Fraternal Order of Police/Metropolitan Police Department Labor Committee (FOP) filed an Opposition to the Motion.

In Opinion No. 1756, the Board found that MPD’s Arbitration Review Request was untimely. The Board found that MPD did not provide an explanation for its delay or request equitable tolling. In its Motion, MPD admits that it did not request equitable tolling. Nevertheless, MPD argues that the Board should equitably toll the untimely filing.

The Board has repeatedly held that a Motion for Reconsideration cannot be based solely on a mere disagreement with its initial decision.¹ It appears that there is no other reason for this filing except to delay complying with the Arbitrator’s Order MPD disagrees with the dismissal of its untimely filing. MPD has not provided any authority that would compel the Board to reach a

¹ *AFSCME District Council 20, Local 2921 v. DCPS*, 62 D.C. Reg. 9200, Slip Op. No. 1518 at p. 3-4, PERB Case No. 12-E-10 (2015). See also *FOP/MPD Labor Comm. v. MPD*, Slip Op. No. 1554 at 8-9, PERB Case No. 11-U-17 (Nov. 19, 2015); *Rodriguez v. MPD*, 59 D.C. Reg. 4680, Slip Op. No. 954 at 12, PERB Case No. 06-U-38 (2010).

different result. Absent such authority, the Board will not overturn its decision.² Therefore, the Motion is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. MPD's Motion for Reconsideration is hereby denied; and,
2. Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD

October 29, 2020

Washington, D.C.

² *FOP/MPD Labor Comm. v. MPD*, 60 D.C. Reg. 12058, Slip Op. No. 1400 at p. 6, PERB Case No. 11-U-01 (2013).

CERTIFICATE OF SERVICE

I hereby certify that the attached Decision and Order, Slip Op. 1763, in PERB Case No. 20-A-07 MFR was served electronically via File & ServeXpress to the following parties on this the day of November 16, 2020:

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