

GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD

| | | |
|----------------------|---|------------------------------|
| _____ |) | |
| In the Matter of: |) | |
| |) | |
| Charles Bagenstose, |) | |
| |) | |
| Complainant, |) | PERB Case No. 88-U-33 |
| |) | Opinion No. 302 |
| |) | (Motion for Reconsideration) |
| |) | |
| v. |) | |
| |) | |
| District of Columbia |) | |
| Public Schools, |) | |
| |) | |
| Respondent. |) | |
| _____ |) | |

ORDER

This Order rules upon a Motion filed by Charles Bagenstose (Complainant) concerning the Decision and Order issued by the Public Employee Relations Board (Board) in Charles Bagenstose, et al. v. District of Columbia School Board, DCR, Slip Op. No. 270, PERB Case Nos. 88-U-33 and 88-U-34 (1991).

On December 29, 1991, Complainant filed a document styled "Motion For Reconsideration of Revision of Decision and Remedy". The Respondent in this proceeding, District of Columbia Public Schools (DCPS), filed a timely response on January 3, 1992.^{1/} The "Decision" referred to in Complainant's Motion is Opinion No. 270 issued by the Board in this case on June 6, 1991.

The Complainant's Motion does not seek reconsideration of the Board's Decision and Order in Opinion No. 270. Rather, the Complainant seeks reconsideration of responses from the Board's Executive Director, to inquiries initiated by Complainant, concerning DCPS' compliance with our Order in Opinion No. 270. Complainant contends that the Executive Director "revised and amended the Board's Order in Opinion No. 270." (Mot. at 1.)

^{1/} The Complainant subsequently filed a "Response to Items in Respondent's Response to Complainant's Motion For Reconsideration of Revision of Decision and Remedy". The Board's Rules neither provide for the filing of such rebuttal pleadings nor has the Board solicited the same. However, in view of our Order, we find the contents of Complainant's additional filing to no avail and therefore shall decline to rule upon its acceptance for filing.

However, the Complainant's contention belies the fact that the Decision and Order in Opinion No. 270 is the action of the Board. Complainant's Motion presents no basis under Board Rules or the Comprehensive Merit Personnel Act (CMPA) for its contention that such correspondence effectively "revised" or "amended" an Order of the Board. Since the Board's Order in Opinion No. 270 remained undisturbed by the allegations set forth in Complainant's Motion, no cognizable basis exists for the Motion or the relief Complainant seeks, i.e., "that the original Order be restored and enforced ^{2/} and that Ms. Cox's [(the Executive Director's)] letter be rescinded". (Mot. at 2.)

The Complainant's Motion, therefore, is dismissed.

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

March 13, 1992

^{2/} Under D.C. Code Sec. 1-618.13(b) the Board may elect to "request the Superior Court of the District of Columbia [to] enforce any order issued pursuant to this subchapter, [Labor-Management Relations Section of the CMPA.]" However, we have found no basis to do so. Under Sec. 1-618.13(c) of this same provision, "[a]ny person aggrieved [,e.g., complainants,] by a final order of the Board granting or denying in whole or in part the relief sought may obtain review of such order in the Superior Court of the District of Columbia by filing a request within 30 days after the final order has been issued. . . ." Complainant did not avail himself of this means of review. If Complainant maintains an issue with respect to our Decision and Order in PERB Case No. 88-U-33, supra, he must specifically direct that issue to the Board's attention.