GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)

Charles Bagenstose,

Complainant,

District of Columbia Public Schools,

Respondent.

PERB Case No. 88-U-33 Opinion No. 313 (Motion for Clarification)

ORDER

On April 16, 1992, Complainant Charles Bagenstose filed a Motion for Clarification of Order. The Order referred to in Complainant's Motion is Opinion No. 302, issued by the Public Employee Relations Board (Board) in this case on March 13, 1992. No response was filed by Respondent District of Columbia Public Schools (DCPS).

Complainant seeks clarification of the Board's Order in Opinion No. 302 dismissing Complainant's Motion for Reconsideration of the Board's Decision and Order in Opinion No. 270 in this case. In dismissing Complainant's Motion for Reconsideration, we stated that no cognizable basis for the Motion existed. Specifically, we found that certain correspondence from the Board's Executive Director to DCPS did not, as Complainant contended, amend or revise our Order in Opinion No. 270. Complainant states in this Motion that he does not understand the reasoning of our Order in Opinion No. 302 concerning why the Executive Director's correspondence "did not illegally alter and amend the Board's Order to make [him] whole...."

Implicit in our Order in Opinion No. 302, which we now make explicit, is that communications between the Board's staff, e.g., the Executive Director, and a party to a proceeding before the Board is not an extension of a related Order of the Board unless expressly directed by the Board. (See, Board Rules 500.3 and 500.4). The correspondence to which Complainant refers is not an action of the Board. Thus, as we stated in Opinion No. 302, the Executive Director's correspondence could not have had the asserted effect of revising or amending the Board's Decision and Order in Opinion No. 270. Therefore, that Order remains as

Motion for Clarification of Order PERB Case No. 88-U-33 Page 2

issued. $\frac{1}{2}$

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

June 9, 1992

¹/ Complainant raises, once again, issues relating to enforcement and/or review of Opinion No. 270 first raised in its Motion for Reconsideration. We believe those issues clearly and adequately addressed in our disposition of that Motion.