

P.E.R.C. NO. 2011-51

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

BRIDGEWATER-RARITAN REGIONAL  
BOARD OF EDUCATION,

Respondent,

-and-

Docket No. CI-2009-045

STAN J. SERAFIN,

Charging Party.

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BRIDGEWATER-RARITAN TRANSPORTATION  
ASSOCIATION,

Respondent,

-and-

Docket No. CI-2009-046

STAN J. SERAFIN,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies Charging Party Stan J. Serafin's requests for special permission to appeal a Hearing Examiner's denial of his "motion for a more definite statement" in a matter involving the answers filed by the Bridgewater-Raritan Regional Board of Education.

This synopsis is not part of the Commission decision. It has been prepared for the convenience of the reader. It has been neither reviewed nor approved by the Commission.

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Appearances:

For the Respondent Bridgewater-Raritan Regional Board of Education, Schwartz, Simon, Edelstein, Celso & Zitomer, LLC, attorneys (Nicholas Celso, III, of counsel)

For the Charging Party, Stan J. Serafin, pro se.

DECISION

Stan J. Serafin has requested special permission to appeal the ruling of Hearing Examiner Perry O. Lehrer that denied his "motion for a more definite statement." Serafin objects to the responses of "lacks information sufficient to admit or deny" set forth by the Bridgewater-Raritan Regional Board of Education in

its Answer to 123 specific allegations in the Complaint.<sup>1/</sup> He requests that we find the allegations to be admitted to be true.

The Board responds that Serafin is appealing an interlocutory ruling of the Hearing Examiner that may be made only on special permission to appeal within five days from service of the ruling. It argues that Serafin's November 3, 2010 appeal was filed late and with the Director of Unfair Practices when the Commission's rules require it be filed with the Chairman. On November 17, Serafin re-filed his appeal with the Commission and requested that we relax our rules to find the appeal timely since the Board took 120 days to respond to his request for an affirmative action report.

Requests for special permission to appeal must be filed within five days from the service of a hearing examiner's ruling. N.J.A.C. 19:14-4.6(b). The Hearing Examiner issued his ruling on October 25, 2010 and Serafin filed his appeal with the Chair on November 17. Even if we consider the request to have been filed on the date he filed it with the Director, Serafin still does not meet the extraordinary circumstances required for us to intrude in pre-hearing proceedings. Bridgewater-Raritan Reg. Bd. of Ed.,

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<sup>1/</sup> The Hearing Examiner denied Serafin's motion on October 25, 2010. Serafin filed his appeal with the Director of Unfair Practices on November 3. On November 15, the Director notified Serafin that appeals of Hearing Examiner's interlocutory rulings must be made to the Chairman of the Commission.

P.E.R.C. No. 2011-002, 36 NJPER 297 (¶111 2010). Both parties will be required to present their proofs and the Hearing Examiner will issue a recommended decision based on the evidence produced at the hearing and not in the pleadings. At the conclusion of the hearing, any party may file exceptions to the Hearing Examiner's recommendations and we will consider the case as a whole.

ORDER

The request for special permission to appeal is denied.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Eaton, Fuller, Krengel, Voos and Watkins voted in favor of this decision. Commissioner Colligan recused himself.

ISSUED: December 16, 2010

Trenton, New Jersey