

P.E.R.C. NO. 2015-12

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

STATE OF NEW JERSEY
(JUVENILE JUSTICE),

Respondent,

Docket No. CI-2012-016

-and-

JUDY THORPE,

Charging Party.

SYNOPSIS

The Public Employment Relations Commission denies a motion for reconsideration of P.E.R.C. No. 2014-71 filed by Judy Thorpe. In that decision, the Commission affirmed the Deputy Director of Unfair Practice's refusal to issue a complaint based on allegations in an unfair practice charge filed by Thorpe against her employer. The Commission finds that Thorpe has not set forth any extraordinary circumstances warranting a grant of reconsideration.

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, State of New Jersey, John Jay Hoffman, Acting Attorney General (Brady Montalbano Connaughton, Deputy Attorney General)

For the Charging Party, Judy Thorpe, pro se

DECISION

On April 29, 2014, Judy Thorpe moved for reconsideration of P.E.R.C. No. 2014-71, 40 NJPER 512 (¶164 2014), in which we affirmed the Deputy Director of Unfair Practice's refusal to issue a complaint.^{1/}

N.J.A.C. 19:14-8.4 in material part states:

"After a Commission decision has been issued, a party may move for reconsideration. Any motion pursuant to this section shall be filed within 15 days of service of the Commission decision, together with a proof of service of a copy on all parties. The movant shall specify the extraordinary circumstances warranting reconsideration and the pages of

^{1/} We deny Thorpe's request for oral argument. The issues have been fully briefed.

the record it relies on. Any party opposing reconsideration may file a response within five days of service on it of the motion, together with a proof of service of a copy on all other parties."

The facts and procedural history of this case are fully set forth in the Deputy Director's decision, D.U.P. No. 2013-2, 40 NJPER 8 (¶4 2012) and our decision.

A motion for reconsideration will not be granted absent extraordinary circumstances. N.J.A.C. 19:14-8.4; Wall Township Board of Education and Wall Township Information Technology Association, P.E.R.C. No. 2010-63, 36 NJPER 52 (¶24 2010), aff'd 37 NJPER 61 (¶23 2011); City of Newark and Newark Police Superior Officers Association, P.E.R.C. No. 2008-53, 34 NJPER 71 (¶29 2008).

Thorpe's brief in support of her motion does not set forth any extraordinary circumstances that would justify a grant of reconsideration. Thorpe essentially relies on her original brief that was previously filed with the Commission after she appealed the Deputy Director's decision referenced above. In pertinent part, in her current two page brief she states, "The matters of my concern include, but are not limited to, an EEOC complaint, a grievance arbitration case, and a request for reconsideration based on spoliation of evidence and abuse of process." She continued, "The facts have been misrepresented; thus, I stand by my belief that the determinations made are incorrect and that the

complaint issuance standard was indeed met." Referencing her previously filed brief, she states, "As I strongly contend that the Commission's most recent decision was made in error, attached herewith is that letter brief, dated January 9, 2013, along with supporting documentation (constituting substantial evidence), for your thorough review and reconsideration."

The Commission thoroughly considered Thorpe's January 9, 2013 brief in our original decision. Thorpe has not specified the extraordinary circumstances warranting reconsideration and the pages of the record she relies on. N.J.A.C. 19:14-8.4. As a result, the case before this agency has already been decided and there are no extraordinary circumstances that warrant reconsidering that fact.

ORDER

The motion for reconsideration is denied.

BY ORDER OF THE COMMISSION

Chair Hatfield, Commissioners Bonanni, Boudreau, Jones, Voos and Wall voted in favor of this decision. None opposed. Commissioner Eskilson was not present.

ISSUED: September 18, 2014

Trenton, New Jersey