



**STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD**

CYNTHIA RUIZ,

Charging Party,

v.

HUGHSON UNIFIED SCHOOL DISTRICT,

Respondent.

Case No. SA-CE-3181-E

Request for Reconsideration
PERB Decision No. 2955

PERB Decision No. 2955a

July 14, 2025

Appearance: Cynthia Ruiz, on her own behalf.

Before Banks, Chair; Krantz and Paulson, Members.

DECISION

KRANTZ, Member: This case is before the Public Employment Relations Board (PERB or Board) on a request by Charging Party Cynthia Ruiz titled as a “Request for Judicial Review” of *Hughson Unified School District* (2025) PERB Decision No. 2955 (*Hughson*). Under section 3542(a)(1) of the Educational Employment Relations Act (EERA) and PERB Regulation 32500, a union or employer dissatisfied with a final PERB unit determination decision may ask the Board to allow an appeal by joining in a request for judicial review.¹ These provisions have no application in this case, as they categorically do not apply in any unfair practice case. While the Board’s Appeals Office accepted Ruiz’s filing as a request that the Board reconsider its decision in

¹ EERA is codified at Government Code section 3540 et seq. PERB Regulations are codified at California Code of Regulations, title 8, section 31001 et seq.

Hughson, there is no right to request reconsideration of a Board decision resolving an appeal from a dismissal of an unfair practice charge. (*Berkeley Federation of Teachers, Local 1078 (Crowell)* (2015) PERB Decision No. 2405a, pp. 12-14.)²

To help avoid further errant filings, we note that Ruiz cannot petition for a writ of extraordinary relief in the California Court of Appeal because our decision affirmed a determination not to issue a complaint. (EERA, § 3542(b); see also *Curcio v. Fontana Teachers Assn. CTA/NEA* (2021) 68 Cal.App.5th 924, 932.) In such cases, there is an extremely narrow right to seek judicial review. Specifically, a dissatisfied charging party may file a superior court petition for writ of mandate only if: (1) the Board's decision violated a constitutional right; (2) the Board exceeded its statutory powers; or (3) the Board's decision was based on an erroneous statutory construction. (*International Assn. of Fire Fighters, Local 188, AFL-CIO v. Public Employment Relations Bd.* (2011) 51 Cal.4th 259, 269-270.)

ORDER

Cynthia Ruiz's request for reconsideration of the Board's decision in *Hughson Unified School District* (2025) PERB Decision No. 2955 (styled as a request for judicial review) is hereby DENIED.

Chair Banks and Member Paulson joined in this Decision.

² Even in cases where a party may request reconsideration, the only grounds for doing so are if a Board decision includes prejudicial errors of fact, or if there is newly discovered evidence that was not previously available and which the requesting party could not have discovered earlier with reasonable diligence. (PERB Reg. 32410(a); *County of Riverside* (2018) PERB Decision No. 2591a-M, p. 3.) Here, Ruiz neither alleges prejudicial errors of fact nor presents newly discovered evidence.