



State of New Hampshire
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

New Hampshire Troopers Association

Petitioner

v.

New Hampshire Department of Safety,
Division of State Police

Respondent

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Case No. P-0754-15

Decision No. 2006-116

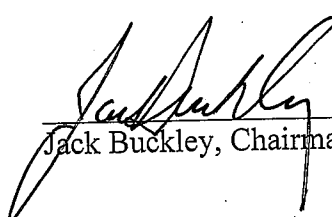
SUPPLEMENTAL ORDER FOLLOWING REMAND

1. On March 16, 2005, the Board issued its decision on the merits in the above captioned matter as Decision No. 2005-028.
2. Following several post hearing decisions, namely, Decision No. 2005-056; 2005-128; and 2005-148, all of which preceded the Appeal of New Hampshire Department of Safety docket by the State of New Hampshire Supreme Court as Case No. 2005-0386 and each of which is included in the record previously forwarded to the Supreme Court.
3. On October 31, 2005 the Supreme Court accepted the appeal and issued a "Briefing Order" which it subsequently vacated upon its November 18, 2005 order to remand the case to the Board while the court retained jurisdiction over the appeal.
4. The purpose of the remand was to reconstruct a portion of the record of the hearing "to the extent possible, with the assistance of counsel." The Board learned, upon review, that because of a faulty audio tape of a portion of the testimony, an incomplete transcript had been forwarded to the Supreme Court.

5. The Board convened all counsel to discuss this omission and all parties, with the Board's approval determined that the best way to "fill the gap" was for depositions of the subject witnesses to be transcribed for the Board's review. (See Statement of Agreement, dated December 12, 2005) attached to this order and made a part of the record thereby.
6. The Board subsequently reviewed the transcript in the context of the earlier proceedings, and its initial decision and order (Decision 2005-028) and found its content to be consistent with its recollection of the earlier testimony and its earlier decision and order and without modification of its relevant Findings of Fact.
7. No Board member found any reason, after review of the reconstructed testimony, to change the initial unanimous order of March 16, 2006 which forms the basis for the instant appeal and therefore the order is confirmed by this supplement and remains in effect.
8. The record shall hereby be resubmitted to the Supreme Court in response to its remand.

So Ordered.

Signed this 11th day of August, 2006



Jack Buckley, Chairman

By unanimous vote. Chairman Jack Buckley presiding with Board Members Seymour Osman and E. Vincent Hall also voting.

DISTRIBUTION:

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