



STATE OF NEW HAMPSHIRE
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Raymond Porelle, Jr.

v.

New England Police Benevolent Association, Inc.

Case No. G-0142-1
Decision No. 2011-015

Order on Motion for Review of Hearing Officer Decision

Mr. Porelle filed a Motion for Review of Hearing Officer Decision 2010-206 pursuant to Pub 205.01, which provides in part as follows:

(a) Any party to a hearing or intervenor with an interest affected by the hearing officer's decision may file with the board a request for review of the decision of the hearing officer within 30 days of the issuance of that decision and review shall be granted. The request shall set out a clear and concise statement of the grounds for review and shall include citation to the specific statutory provision, rule, or other authority allegedly misapplied by the hearing officer or specific findings of fact allegedly unsupported by the record.

(b) The board shall review whether the hearing officer has misapplied the applicable law or rule or made findings of material fact that are unsupported by the record and the board's review shall result in approval, denial, or modification of the decision of the hearing officer. The board's review shall be made administratively based upon the hearing officer's findings of fact and decision and the filings in the case and without a hearing or a hearing de novo unless the board finds that the party requesting review has demonstrated a substantial likelihood that the hearing officer decision is based upon erroneous findings of material fact or error of law or rule and a hearing is necessary in order for the board to determine whether it shall approve, deny, or modify the hearing officer decision or a de novo hearing is necessary because the board concludes that it cannot adequately address the request for review with an order of approval, denial, or modification of the hearing officer decision. All findings of fact contained in hearing officer decisions shall be presumptively reasonable and lawful, and the board shall not consider requests for review based upon objections to hearing officer findings of fact unless such requests for

review are supported by a complete transcript of the proceedings conducted by the hearing officer prepared by a duly certified stenographic reporter.

We have reviewed the hearing officer decision in accordance with the provisions of Pub 205.01. The hearing officer decision is approved and Mr. Porelle's motion is denied on that basis.

So ordered.

January 10, 2011

A handwritten signature in black ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

Charles S. Temple, Esq. Alternate Chair

By the unanimous vote of Alternate Chair Charles S. Temple, Esq., Board Member Kevin E. Cash and Board Member James M. O'Mara, Jr.

Distribution:

Mr. Raymond Porelle, Jr.

Diane S. Byrnes, Esq.