



**State of New Hampshire**  
Public Employee Labor Relations Board

**Internal Affairs Association of New Hampshire  
and  
State of New Hampshire, Department of Corrections  
and  
SEA, SEIU Local 1984**

**Case No. G-0258-2  
Decision No. 2018-045**

Order

On March 20, 2018 the State filed a motion for review of hearing officer Decision No. 2018-020 (February 28, 2018). We review motions for review of hearing officer decisions under the following rule:

Pub 205.01 Review of a Decision of Hearing Officer.

(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's decision, the hearing transcript, the State's motion, and other case file material in accordance with the provisions of Pub 205.01. The hearing officer's decision contains findings of fact supported by the record for decision, evaluates the proposed bargaining unit using applicable legal criteria, and provides an extensive, well-reasoned, and clear explanation of the conclusions reached. The State has not identified: 1) any misapplication of the applicable law or rule; or 2) any findings of material fact that are unsupported by the record. Accordingly, we approve the hearing officer decision and deny the State's motion.

So ordered.

Date: 4/20/18

  
Peter G. Callaghan, Esq., Chair

By unanimous vote of Alternate Chair Peter C. Callaghan, Esq., Alternate Board Member Glenn Brackett, and Board Member James M. O'Mara, Jr.

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