Affirms PELRB Decision No. 2014-256

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THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case Nos. 2015-0434 and 2015-0516, Appeal of University System of New Hampshire, the court on June 22, 2016, issued the following order:

Having considered the briefs and oral arguments of the parties, the court concludes that a formal written opinion is unnecessary in this case. The appellant, the University System of New Hampshire (USNH), appeals a decision of the New Hampshire Public Employee Labor Relations Board (PELRB), which ruled that USNH's request for review and rehearing of a hearing officer's decision to include two University of New Hampshire School of Law faculty members in the collective bargaining unit was untimely. The PELRB determined that USNH's request was untimely because: (1) the request for review was filed after 30 days had passed since the hearing officer's decision, in violation of New Hampshire Administrative Rules, see N.H. Admin. Rules, Pub 205.01; and (2) the request for rehearing did not follow a decision of the PELRB itself, and a timely request for review of the hearing officer's decision had not been filed, see N.H. Admin. Rules, Pub 205.02. On appeal, USNH argues that: (1) the PELRB unlawfully and unconstitutionally deprived USNH of any meaningful review of the hearing officer's decision; (2) the PELRB erred when it determined that USNH's request for review was untimely; and (3) the hearing officer erred, as a matter of law, by adding the two faculty members at issue to the bargaining unit.

Because USNH has not requested that the case be remanded to the PELRB but seeks a reversal of the hearing officer's decision on the merits, we will assume that USNH's request for review was timely. As the appealing party, USNH has the burden of demonstrating reversible error. See Gallo v. Traina, 166 N.H. 737, 740 (2014); see also RSA 541:13 (2007). Based upon our review of the decision below, USNH's challenges to it, and the record submitted on appeal, we conclude that USNH has not demonstrated reversible error. See id.

Affirmed.

DALIANIS, C.J., and LYNN and BASSETT, JJ., concurred.

Eileen Fox,
Clerk

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