

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

SABOR FARMS,)	Case No. 2013-CE-047-SAL
)	
Respondent,)	
)	
and)	ORDER DIRECTING
)	RESPONDENT TO REFILE
OSCAR CARBALLO,)	EXCEPTIONS IN COMPLIANCE
)	WITH BOARD REGULATION
)	20282
Charging Party.)	
)	Admin. Order No. 2015-17
)	
)	(December 9, 2015)
)	

On October 8, 2015, Administrative Law Judge William G. Kocol (the “ALJ”) issued an order in the above-captioned unfair labor practice case. On November 30, 2015, the General Counsel of the Agricultural Labor Relations Board (the “General Counsel”) and respondent Sabor Farms (“Respondent”) filed exceptions to the ALJ’s decision along with supporting briefs pursuant to section 20282 of the Board’s regulations.¹ The General Counsel filed a single exception while Respondent filed 16 separate exceptions. Because Respondent’s exceptions, on their face, fail to comply with the provisions of Board Regulation 20282(a)(1) governing the content of

¹ The Board’s regulations are codified in Title 8 of the California Code of Regulations, section 20100 et seq.

exceptions, we hereby direct Respondent to refile its exceptions to comply with said regulation. (See *Kawahara Nurseries, Inc.* (2014) 40 ALRB No. 11 p. 9.)

Board Regulation 20282 (hereinafter “section 20282”) provides that parties to unfair labor practice proceedings may file exceptions to an ALJ’s decision along with briefs in support of exceptions. Section 20282(a)(1) states that exceptions must “state the ground for each exception, identify by page number that part of the administrative law judge’s decision to which exception is taken, and cite to those portions of the record which support the exception.” The content identified in section 20282(a)(1) must appear in the exceptions themselves; inclusion of such content in the briefs alone is insufficient.² Compliance with the regulation is not merely a technical requirement. Specification of the grounds for each exception, the portion of the ALJ’s decision challenged, and the portions of the record relied upon aids the Board and the parties in understanding and evaluating exceptions.

Respondent’s exceptions, on their face, fail to comply with the above-described requirements. Although the grounds for each exception are stated, none of the 16 exceptions contain citations to the record, although most, if not all, of the

² The arguments in the supporting brief must, of course, also be supported by appropriate citations to the record. Although the Board has, on prior occasions, declined to strike or dismiss exceptions that failed to comply with the requirements of section 20282(a)(1) where the supporting brief enabled the Board to ascertain the basis for the exception, the Board recently cautioned parties that compliance with the Board’s regulations, and with section 20282(a)(1) in particular, is required. (*Kawahara Nurseries, Inc.*, supra, 40 ALRB No. 11 p. 9.)

exceptions raise issues of fact. Additionally, 10 of the 16 exceptions include no reference to the relevant page number(s) of the ALJ's decision.

Accordingly, Respondent shall refile its exceptions so that they comply with the Board's regulations on or before December 16, 2015.³ No new exceptions may be raised in the refiled document. The supporting brief is not to be refiled. All parties' answering briefs shall be due on or before December 29, 2015.

DATED: December 9, 2015

WILLIAM B. GOULD IV, Chairman

GENEVIEVE A. SHIROMA, Member

CATHRYN RIVERA-HERNANDEZ, Member

³ Although the General Counsel's exception does reference portions of the record, the General Counsel may, at his option, also refile said exception to include any record citations that may have been omitted within the same time period.