

VERMONT LABOR RELATIONS BOARD

GRIEVANCE OF:	)	
	)	
VERMONT STATE COLLEGES	)	
FACULTY FEDERATION,	)	DOCKET NO. 94-28
AFT LOCAL 3180, AFL-CIO	)	
(RE: YU CHUEN WEI)	)	

MEMORANDUM AND ORDER

At issue is whether we should grant the motion filed by the Vermont State Colleges Faculty Federation, AFT Local 3180, AFL-CIO ("Federation"), to extend the time in which to file a Notice of Appeal from the May 22, 1995, Findings of Fact, Opinion and Order of the Labor Relations Board in this matter.

We consider this motion pursuant to Rules 1, 4 and 13 of the Vermont Rules of Appellate Procedure ("V.R.A.P"). Rule 1 provides in pertinent part that the V.R.A.P "govern the . . review or enforcement of orders of administrative . . boards . ." Rule 4 provides that appeals normally are to be filed within 30 days of the decision being appealed, but further provides in pertinent part that "(t)he superior or District Court may extend the time for filing the notice of appeal . . . for good cause, with or without motion or notice, if request therefore is made before the expiration of the period originally prescribed . . ." Rule 13(b) provides in pertinent part that, "wherever they appear in these rules, the terms 'superior court' or 'District Court' shall be understood to mean . . . the administrative board . . . from which the appeal is sought". When read together, these rules make it clear that the Board has jurisdiction to determine whether good cause exists to grant the Federation's motion to extend the time for filing an appeal to "30 days past the time originally

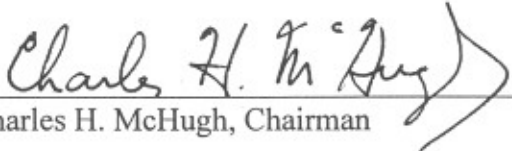
prescribed", the maximum extension allowed by Rule 4.

In exercising our discretion whether to extend the normal appeal time, we will not grant such an extension lightly. The Federation requests that it be given an extension given the difficulty Dr. Wei has communicating with counsel due to her living in Ohio, and because the Federation and Dr. Wei are seeking alternate counsel to explore the possibility of appealing the Board's decision. The Federation indicates that, although another attorney has been contacted about pursuing an appeal, it will take some time for an attorney to properly evaluate the merits of an appeal. We conclude that the unusual circumstances of Grievant's distance from Vermont, the seeking of alternate counsel, and the voluminous record in this case constitute good cause to extend the normal appeal time frame.

NOW THEREFORE, based on the foregoing reasons, it is hereby ORDERED that the Federation's motion for an extension of time until July 21, 1995, to file an appeal in this matter is GRANTED.

Dated this 20th day of June, 1995, at Montpelier, Vermont.

VERMONT LABOR RELATIONS BOARD

  
Charles H. McHugh, Chairman

/s/ Leslie G. Seaver  
Leslie G. Seaver

/s/ Carroll P. Comstock  
Carroll P. Comstock