

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

H & R GUNLUND RANCHES,	)	Case Nos.	2009-CE-063-VIS
INC., A California Corporation,	)		2009-CE-064-VIS
	)		2009-CE-067-VIS
Respondent,	)		2009-CE-068-VIS
	)		2010-CE-017-VIS
and)		
	)	ORDER DENYING GENERAL	
REGINO PRIMITIVO,	)	COUNSEL'S SPECIAL APPEAL	
MARIANO PRIMITIVO,	)	OF ADMINISTRATIVE LAW	
and Others,	)	JUDGE'S RULING	
)		
	)	Admin. Order No. 2012-20	
<u>Charging Parties.</u>)		

On September 5, 2012, the General Counsel of the Agricultural Labor Relations Board (Board) filed a Special Appeal of Administrative Law Judge (ALJ) Mark Soble's August 28 and 29, 2012 rulings admitting the declarations of witnesses Regino Primitivo and Mariano Primitivo during an unfair labor practice hearing. On September 19, 2012, Respondent H & R Gunlund Ranches, Inc. filed its opposition to the General Counsel's appeal.

In *Premiere Raspberries, LLC dba Dutra Farms* (2012) 38 ALRB No. 11, the Board denied a similar application for special permission for interim appeal on the grounds that it not only failed to state the necessity for interim review as required by California Code of Regulations, title 8, 20242(b), but also failed to meet the Board's standard for hearing interim appeals. The Board will only hear interim appeals of

interlocutory rulings pursuant to Regulation 20242(b) that cannot be addressed effectively through exceptions filed pursuant to Regulations 20282 or 20370(j).

In the instant matter, the General Counsel's interim appeal fails to meet the Board's standard as the subject of the appeal can be addressed effectively through the exceptions process. Moreover, the General Counsel's interim appeal failed to state the necessity for interim review as required by Regulation 20242(b).

PLEASE TAKE NOTICE that the General Counsel's application for special permission to appeal the ALJ's ruling is DENIED, without prejudice to raising the subject of this application in exceptions to the ALJ's ultimate decision in the case in accordance with Regulation 20282.

By Direction of the Board.

Dated: October 25, 2012

J. ANTONIO BARBOSA
Executive Secretary, ALRB