

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of:)	
)	Case No. 93-CE-38-VIS
SAN JOAQUIN TOMATO GROWERS, INC.))	(20 ALRB No. 13)
A California Corporation,)	
)	Admin. Order No. 2011-16
Respondent,)	
)	ORDER GRANTING SPECIAL
and)	PERMISSION TO APPEAL
)	RULING OF THE ALJ;
UNITED FARM WORKERS OF)	ORDER GRANTING
AMERICA,)	CONTINUANCE
)	
Charging Party.)	
)	
)	
)	
)	

On August 15, 2011, the General Counsel filed with the Agricultural Labor Relations Board (Board) an application for special permission to appeal an oral ruling by the Administrative Law Judge (ALJ) made during the course of the ongoing hearing in the above-captioned matter. ¹ On August 16, 2011, Respondent, San Joaquin Tomato Growers, Inc. filed an opposition to the application for special permission to appeal the ALJ's ruling.

On August 15, 2011, the ALJ denied the General Counsel's request for a continuance in the hearing until August 19, 2011, as it appears that the hearing

¹ On August 16, 2011, Counsel for the United Farm Workers (UFW) filed a motion in support of the General Counsel's request for special permission to appeal the ALJ's ruling.

otherwise may end as early as today.² General Counsel requested the continuance so that General Counsel's expert witness, Phil Martin, can be available for rebuttal to the testimony of the expert witness of Respondent. Mr. Martin is presently out of state and will not be available until Friday, August 19, 2011.

While the Board supports the ALJ's effort to direct the hearing as efficiently as possible and to minimize additional expenses and inconvenience to the parties, it is the Board's view that it is of greater importance to ensure a full record in this case. Given the complexity of the issues presented by this case, the pertinence of Mr. Martin's rebuttal testimony overrides the inconvenience caused by the requested continuance.

PLEASE TAKE NOTICE that the ALJ's denial of the General Counsel's request for a continuance is **OVERRULED**. The Board hereby **GRANTS** the General Counsel's request for a continuance of this matter until August 19, 2011.

By Direction of the Board

Dated: August 16, 2011

J. ANTONIO BARBOSA
Executive Secretary, ALRB

² The hearing was calendared through August 19, 2011 as a precaution in the event such length was necessary. General Counsel announced on August 15, 2011 that it would call only two individuals from its list of potential witnesses.