

STATE OF CALIFORNIA

AGRICULTURAL LABOR RELATIONS BOARD

In the Matter of: )  
 ) Case No. 03-CE-15-EC  
HADLEY'S DATE GARDENS, INC., ) (31 ALRB No. 1)  
 )  
Respondent, ) ORDER VACATING DECISION  
 ) PURSUANT TO SETTLEMENT  
and ) AGREEMENT  
 )  
JOSE ANGEL PEREZ, ) Admin. Order 2005-06  
 )  
\_\_\_\_\_  
Charging Party. )

On August 2, 2005, pursuant to a Stipulation Re: Dismissal and Order Dismissing Petition for Writ of Review, signed by Respondent Hadley Date Gardens, Inc., Charging Party Jose Angel Perez, and the Agricultural Labor Relations Board (ALRB or Board), the Court of Appeal for the State of California, Fourth Appellate District, Division Two, issued an order (Case No. E037704) dismissing Respondent's Petition for Writ of Review of the ALRB's decision reported at 31 ALRB No. 1, and remanding the case to the Board for the purpose of vacating its decision. The remittitur issued on the same date.

The Board agreed, pursuant to the Stipulation Re: Settlement Agreement (incorporated herein by reference), signed by Respondent and the ALRB, to vacate its decision in light of a settlement agreement, executed on June 18, 2005, between Respondent and Charging Party. The settlement agreement, inter alia, provides that Charging Party shall receive \$20,000 and shall waive any

right to reinstatement or rehire. Pursuant to the Stipulation Re: Settlement Agreement, Respondent agreed to provide the required payment to Charging Party, in care of the El Centro Regional Director of the ALRB, within ten (10) days of the date of this Order. In addition, the Stipulation Re: Settlement Agreement provides for an education session regarding employee rights under the Agricultural Labor Relations Act, without admission of liability regarding the underlying dispute, to be conducted among Respondent's agricultural employees by Board agents.

The Board considers the vacating of its decisions to be an unusual occurrence warranted only in limited circumstances. In this instance, in light of all circumstances taken as a whole, the Board finds the settlement agreement and the Stipulation Re: Settlement Agreement to be an appropriate way to effectuate the purposes of the Agricultural Labor Relations Act. Accordingly, it is hereby ORDERED that the Board's decision reported at 31 ALRB No. 1 is vacated, and may not be cited as precedent.

By Direction of the Board

Dated: August 10, 2005

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J. ANTONIO BARBOSA  
Executive Secretary, ALRB