

**STATE OF ILLINOIS
EDUCATIONAL LABOR RELATIONS BOARD**

In the Matter of:)
)
Melissa Lane,)
 Objector)
))
 and) Case No. 2005-FS-0033-S
))
Stewardson-Strasburg Education Association,)
IEA-NEA,)
 Respondent)

In the Matter of:)
)
Kevin Lane,)
 Objector)
))
 and) Case No. 2005-FS-0034-S
))
Stewardson-Strasburg Education Association,)
IEA-NEA,)
 Respondent)

OPINION AND ORDER

On or about September 16, 2004, Melissa and Kevin Lane (“Lanes”) each filed an objection to the payment of fair share fees assessed by the Stewardson-Strasburg Education Association, IEA-NEA (“Association”). The Illinois Educational Labor Relations Board’s (“IELRB”) Executive Director issued an Order on July 8, 2005, consolidating the Lanes’ objections with other fair share fee objections involving the Association. On October 28, 2005, an Administrative Law Judge (“ALJ”) issued a Recommended Decision and Order detailing her conclusions regarding the fair share fees which the NEA, IEA, and the local IEA-NEA affiliates charged Objectors for the 2004-05 fair share year. The Lanes filed exceptions to the ALJ’s Recommended Decision and Order. The Lanes’ exceptions were not accompanied by a certificate of service. The Association did not file a response to the Lanes’ exceptions.

Section 1100.20(e) of the Board’s Rules and Regulations (“Rules”), 80 Ill. Admin. Code §§ 1100-1135, requires documents filed with the Board to be accompanied by a certificate of service. A certificate of service is “a written statement, signed by the party effecting service, detailing the name of the party served and the date and manner of service.” Section 1100.20(e). Failure to serve a document or attach a certificate of service may be grounds to strike the document if it results in prejudice to another party or demonstrates disregard of the Board’s processes. Section 1100.20(f). The Board has consistently stricken exceptions where a party has failed to attach a

certificate of service or to otherwise demonstrate that the exceptions have been served on the other parties. Chicago Board of Education (Filar), 17 PERI 1055, Case Nos. 2000-CA-0056-C, 2000-CB-0018-C (IELRB Opinion and Order, June 25, 2001). The appellate court approved this standard in Norman Jones v. IELRB, 272 Ill. App. 3d 612, 650 N.E.2d 1092 (1st Dist. 1995).

In this case, the Lanes did not attach a certificate of service to their exceptions or otherwise demonstrate that they served their exceptions upon the Association. The Association has not filed a response to the Lanes' exceptions. The Association has been prejudiced by the Lanes' failure to serve because they denied the Association an adequate opportunity to respond to their exceptions. Accordingly, we strike the Lanes' exceptions.

For the reasons stated above, IT IS HEREBY ORDERED that the Administrative Law Judge's Recommended Decision and Order with regard to Case Nos. 2005-FS-0033-S and 2005-FS-0034-S is affirmed.

Right to Appeal

This is a final order of the IELRB. Aggrieved parties may seek judicial review of this Order in accordance with the provisions of the Administrative Review Law, except that, pursuant to 115 ILCS 5/16(a), such review must be taken directly to the appellate court of the judicial district in which the IELRB maintains an office (Chicago or Springfield). "Any direct appeal to the Appellate Court shall be filed within 35 days from the date that a copy of the decision sought to be reviewed was served upon the party affected by the decision." 115 ILCS 5/16(a).

Decided: January 10, 2006
Issued: January 30, 2006
Chicago, Illinois

/s/ Lynne O. Sered
Lynne O. Sered, Chair

/s/ Ronald Ettinger
Ronald Ettinger, Member

/s/ Bridget L. Lamont
Bridget L. Lamont, Member

/s/ Michael H. Prueter
Michael H. Prueter, Member

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/s/ Jimmie Robinson
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