

Appeal of Conway Police Commission, Supreme Court No. 93-121 (March 15, 1993). Appeal of PELRB Decision No. 1993-015 declined as premature.



THE STATE OF NEW HAMPSHIRE

SUPREME COURT

In Case No. 93-121 Appeal of Conway Police Commission

the court upon March 15, 1993 made the following order:

The Conway Police Commission and Town of Conway (appellants) have appealed from a cease and desist order issued by the public employees labor relations board (board). Appellants have also filed two motions to suspend that order pending appeal pursuant to RSA 541:18. The pleadings before this court contain a copy of appellants' motion for reconsideration filed with the board on or about February 18, 1993. Nowhere in that motion do the appellants request that the board suspend its order. See RSA 541:5. Nor do the pleadings before this court indicate that the appellants have otherwise asked the board to suspend or stay its order. The board granted the appellants' request for a rehearing on March 4, 1993. Appellants allege that a hearing has been scheduled by the board for April 1, 1993.

With respect to the two motions to suspend, appellants have not yet exhausted their administrative remedies. Appellants' motions to suspend are, therefore, denied without prejudice.

With respect to the notice of appeal, RSA 541:6 states in part that when an application for rehearing is granted, an applicant may appeal by petition to the supreme court "within thirty days after the decision on such rehearing" Here, no decision on rehearing has yet been made. Accordingly, the notice of appeal is premature, and it is declined without prejudice. See Rule 10(1).

Distribution:

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Clerk