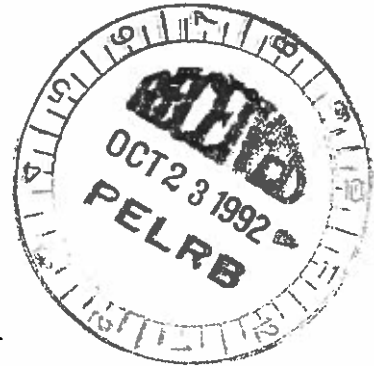


Appeal of City of Manchester,
Supreme Court No. 92-475 (Oct 21,
1992). Dismisses appeal of PELRB
Decision Nos. 1992-021, 1992-049, &
1992-124.



THE STATE OF NEW HAMPSHIRE

SUPREME COURT

92-475 Appeal of City of Manchester

In Case No.

October 21, 1992

the court upon made the following order:

Petitioner filed an unfair labor practice complaint with the Public Employees Labor Relations Board (PELRB). Petitioner later moved to stay a related arbitration proceeding. The PELRB denied the motion, and noted that it would postpone hearing the unfair labor practice complaint until after the results of the arbitration were known and until one or both parties petitioned for a hearing. Thereafter, petitioner filed two motions for rehearing of that order, both of which were denied. No hearing has yet been scheduled upon the unfair labor practice complaint, nor has the PELRB dismissed or otherwise disposed of the complaint. The arbitration has been held and a decision has issued.

To the extent that petitioner's appeal seeks to challenge the denial of the motion to stay the arbitration proceeding, the appeal is moot. Because the PELRB has not decided the unfair labor practice complaint, any appeal regarding the merits of the unfair labor practice complaint is premature. Accordingly, the appeal is dismissed without prejudice to appealing after the proceedings before the PELRB on the unfair labor practice complaint have concluded.

Distribution:

- Public Employee Labor Relations Board
- Elmer T. Bourque, City Solicitor
- Carolyn M. Kirby, Esq.
- Glenn R. Milner, Esq.
- Parker Denaco, PELRB Executive Director
- Attorney General
- Theresa H. Hayes, Supreme Court
- File

Howard J. Zibel

Clerk