

STATE OF NEW MEXICO
CHAVES COUNTY
FIFTH JUDICIAL DISTRICT COURT

**HOBBS PROFESSIONAL FIREFIGHTERS
ASSOCIATION, LOCAL 4384,**

Petitioner,

v

D-506-CV-2025-320

CITY OF HOBBS,

Respondent.

**ORDER AFFIRMING DECISION OF THE STATE OF NEW MEXICO PUBLIC
EMPLOYEE LABOR RELATIONS BOARD**

THIS MATTER came before the Court on Petitioner's Appeal of the Order of the State of New Mexico Public Employees Labor Relations Board filed on March 25, 2025, pursuant to Rule 1-074 NMRA and NMSA 1978 Section 37-1-14. A virtual hearing was held on this matter on June 16, 2025, attended by counsel for the Plaintiff Appellant's James Montalbano and counsel for Defendant Appellee, Dina Holcomb. After reviewing the pleadings and the record proper, listening to arguments of counsel and being otherwise informed the Court **FINDS** as follows:

1. The court has jurisdiction over the parties and the subject matter.
2. The issue before the Court was whether the decision by the State of New Mexico Public Employees Labor Relations Board to exclude Fire Captains from the Act as managers was: (1) in error because it was not based on substantial evidence, (2) in error because it was contrary to law or (3) in error because it was arbitrary and capricious?
3. The Court reviewed the entire administrative record on appeal.

4. The whole record review of this case establishes that there is substantial competent evidence in the record upon which to base the administrative findings.
5. The evidence submitted is sufficient to support the interpretation and decision of the Board.
6. A review of the whole record and the Appellate briefings presented by the parties and the case law did not establish that the decision was contrary to law.
7. The Public Employee Labor Relations Board was not arbitrary or capricious.
8. Accordingly, the Court affirms the decision of the New Mexico Public Employee Relations Board.
9. Appellant has thirty (30) days from the date of entry of this Order to file an appeal.

IT IS THEREFORE, ORDERED, ADJUDGED AND DECREED that the decision of the New Mexico Public Employee Labor Relations Board is **AFFIRMED**.

IT IS SO ORDERED.



JARED G. KALLUNKI
DISTRICT COURT JUDGE

Cc: Counsel of record