

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

CITY OF DETROIT (POLICE DEPARTMENT),
Public Employer - Respondent,

Case No. C06 J-249

-and-

EUNICE DRAKE,
An Individual Charging Party.

APPEARANCES:

Eunice Drake, *In Propria Persona*

DECISION AND ORDER

On November 22, 2006, Administrative Law Judge Doyle O'Connor issued his Decision and Recommended Order in the above matter finding that Respondent has not engaged in and was not engaging in certain unfair labor practices, and recommending that the Commission dismiss the charges and complaint as being without merit.

The Decision and Recommended Order of the Administrative Law Judge was served on the interested parties in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order for a period of at least 20 days from the date of service and no exceptions have been filed by any of the parties.

ORDER

Pursuant to Section 16 of the Act, the Commission adopts the recommended order of the Administrative Law Judge as its final order.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Christine A. Derdarian, Commission Chair

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____

**STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION**

In the Matter of:

CITY OF DETROIT (POLICE DEPARTMENT),
Respondent-Public Employer,

Case No. C06 J-249

-and-

EUNICE DRAKE,
An Individual Charging Party.

APPEARANCES:

Eunice Drake, *in pro per*, for the Charging Party

**DECISION AND RECOMMENDED ORDER
OF ADMINISTRATIVE LAW JUDGE ON SUMMARY DISPOSITION**

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, this case was assigned for hearing to Doyle O'Connor, Administrative Law Judge (ALJ) for the Michigan Employment Relations Commission. Based upon the entire record, I make the following findings of fact, conclusions of law, and recommended order.

The Unfair Labor Practice Charge and Findings of Fact:

Eunice Drake filed a charge on October 18, 2006 asserting that her Employer, City of Detroit, had engaged in the following conduct:

Unfair practices for DPD members, allowing an officer to be carried working when they are not, threats of misconduct, and a misconduct submitted unfairly, unable to work in my job capacity without nasty emails being submitted.

An order to show cause for failure to state a claim was issued pursuant to R423.165 on October 23, 2006 granting the Charging Party fourteen days to respond. Charging Party did not file a response to the order to show cause.

Discussion and Conclusions of Law:

The failure of a Charging Party to respond to an order to show cause may in itself warrant dismissal of a charge. Additionally, absent any evidence or allegation that the Employer was motivated by animus as a result of union or other activity protected by Section 9 of PERA, the Commission does not have jurisdiction to make a judgment on the merits or fairness of the actions complained of by the Charging Party in this matter. See e.g. *City of Detroit (Fire Department)*, 1988 MERC Lab Op 561, 563-564; *Detroit Board of Education*, 1987 MERC Lab Op 523, 524. Because there is no allegation that the Employer was motivated by union or other activity protected by PERA, the charge against the Employer fails to state a claim upon which relief can be granted.

RECOMMENDED ORDER

It is hereby recommended that the unfair labor practice charge be dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Doyle O'Connor
Administrative Law Judge

Dated: _____