

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

In the Matter of:

DETROIT PUBLIC SCHOOLS,
Public Employer - Respondent,

Case No. C07 A-012

-and-

ALONZO LEDBETTER,
An Individual - Charging Party.

APPEARANCES:

Alonzo Ledbetter, *In Propria Persona*

DECISION AND ORDER

On April 26, 2007, Administrative Law Judge David M. Peltz 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: _____

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Case No. C07 A-012

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ALONZO LEDBETTER,
An Individual Charging Party.

APPEARANCES:

Alonzo Ledbetter, *in pro per*

**DECISION AND RECOMMENDED ORDER
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 before David M. Peltz, Administrative Law Judge (ALJ) for the Michigan Employment Relations Commission. This matter comes before the Commission on an unfair labor practice charge filed by Alonzo Ledbetter on January 24, 2007, against Respondent Detroit Public Schools. The charge states:

D.P.S. is discriminating against my years of service (27 years) when I Alonzo Ledbetter was laid-off July 15, 05 I had earned 22.56 sick days and 25 vacation days. When I was rehired in another Local (345) I was told that my time start over [sic] and that it was board policy.

In an order entered on January 30, 2007, Ledbetter was granted fourteen days in which to show cause why the charge should not be dismissed for failure to state a claim upon which relief can be granted under PERA. Charging Party did not file a response to this order.

Where a charge is facially defective, the failure of Charging Party to respond to the order to show cause, in and of itself, warrants dismissal of the charges. In any event, I find that Charging Party has not raised any issue cognizable under PERA. With respect to public employers, PERA does not prohibit all types of discrimination or unfair treatment, nor does the Act provide an independent cause of action for an employer's breach of contract. Absent an allegation that the Employer interfered with, restrained, coerced or retaliated against the Charging Party for engaging in conduct protected by Section 9 of PERA, the Commission is prohibited from making a judgment on the merits or fairness of the Employer's action. See e.g. *City of Detroit (Fire Dep't)*, 1988

MERC Lab Op 561, 563-564; *Detroit Bd of Ed*, 1987 MERC Lab Op 523, 524. In the instant case, Charging Party has not alleged that Respondent discriminated or retaliated against him because of union or other protected concerted activity. I, therefore, recommend that the Commission issue the following order.

RECOMMENDED ORDER

The unfair labor practice charge is hereby dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

David M. Peltz
Administrative Law Judge

Dated: _____