

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

In the Matter of:

VAN BUREN COUNTY AND VAN BUREN COUNTY SHERIFF,
Public Employers-Respondents,

Case Nos. C08 D-062 & C08 D-064

-and-

POLICE OFFICERS ASSOCIATION OF MICHIGAN,
Labor Organization-Charging Party.

APPEARANCES:

Miller Canfield, by Douglas L. Callander, Esq., for Respondents

Douglas M. Gutscher, Esq., Assistant General Counsel, for Charging Party

DECISION AND ORDER

On May 1, 2009, Administrative Law Judge (ALJ) Julia C. Stern issued her Decision and Recommended Order in the above matter pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216. On May 12, 2009, the ALJ received correspondence from Respondents asserting that the matter had been settled by the parties in September 2008 and that they agreed that the charges would be withdrawn. Respondent requested that the ALJ's Decision and Recommended Order be vacated. On May 15, 2009, the Commission received a letter from Charging Party confirming Respondent's assertions that the dispute underlying the charge had been settled in September 2008 and requesting that the charges be withdrawn. Accordingly, Charging Party's request to withdraw the charges is hereby approved.

Charging Party's letter also explained that as the result of an error in communications, it had failed to provide the ALJ with timely notice of the settlement and its desire to withdraw the charges. If Charging Party had informed the ALJ of the settlement and its desire to withdraw the charges before the ALJ's decision had been drafted, the file would have been closed and no decision would have been issued. Thus, we find it is appropriate to put the parties in the position they would have been in if Charging Party had informed the ALJ of the settlement around the time it occurred. Accordingly, the Decision and Recommended Order of the Administrative Law Judge is hereby vacated. The ALJ's Decision and Recommended

Order will **not** be published.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Christine A. Dardarian, Commission Chair

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____