

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

In the Matter of:

CITY OF RIVER ROUGE,
Public Employer - Respondent,

Case No. C08 G-143

-and-

MARVIN Z. DOTSON,
Charging Party - Individual.

APPEARANCES:

Marvin Z. Dotson, *In Propria Persona*

DECISION AND ORDER

On August 29, 2008, 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 charge 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
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

CITY OF RIVER ROUGE,
Respondent-Public Employer,

Case No. C08 G-143

-and-

MARVIN Z. DOTSON,
An Individual Charging Party.

APPEARANCES:

Marvin Z. Dotson appearing on his own behalf

**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 to David M. Peltz, Administrative Law Judge (ALJ) of the State Office of Administrative Hearings and Rules, acting on behalf of the Michigan Employment Relations Commission.

This matter comes before the Commission on an unfair labor practice charge filed by Marvin Z. Dotson on July 15, 2008, against his Employer, the City of River Rouge. The charge asserts that Respondent violated PERA by failing to comply with the terms of a "Letter of Agreement" entered into between the City and Charging Party's union, the River Rouge Fire Fighters Association, Local 517.

In an order entered on August 11, 2008, Charging Party 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 filed a response to the order to show cause on August 22, 2008. In his response, Dotson alleged that Respondent heard his grievance but failed to answer it in the manner he believes is required by the collective bargaining agreement.

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 the City of River Rouge discriminated or retaliated against him because of union or other protected concerted activity. Accordingly, I conclude that dismissal of the charge is warranted.

RECOMMENDED ORDER

The unfair labor practice charge is hereby dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

David M. Peltz
Administrative Law Judge
State Office of Administrative Hearings and Rules

Dated: _____