

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

In the Matter of:

DETROIT PUBLIC SCHOOLS,
Public Employer-Respondent

Case No. C10 L-307

-and-

KEVIN CAREY,
An Individual-Charging Party.

APPEARANCES:

Joline R. Davis, Assistant Director of Labor Relations, for Respondent

Kevin Carey, *In Propria Persona*

DECISION AND ORDER

On June 8, 2011, Administrative Law Judge Doyle O'Connor issued his Decision and Recommended Order in the above matter finding that Respondent did not violate Section 10 of the Public Employment Relations Act, 1965 PA 379, as amended, and recommending that the Commission dismiss the charges and complaint.

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

Edward D. Callaghan, Commission Chair

Nino E. Green, Commission Member

Christine A. Derdarian, Commission Member

Dated: _____

**STATE OF MICHIGAN
MICHIGAN ADMINISTRATIVE HEARING SYSTEM
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

DETROIT PUBLIC SCHOOLS
Respondent-Public Employer,

Case No. C10 L-307

-and-

KEVIN CAREY,
Individual Charging Party.

APPEARANCES:

Kevin Carey, Charging Party representing himself

Joline R. Davis, appearing for Respondent Public Employer

**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 Doyle O'Connor, Administrative Law Judge (ALJ) of the Michigan Administrative Hearing System (MAHS), acting on behalf of the Michigan Employment Relations Commission (MERC).

On December 20, 2010, a Charge was filed in this matter by Charging Party Kevin Carey against his former Employer Detroit Public Schools. This matter was set for trial on June 8, 2011. Notice was properly sent to both parties. Respondent Detroit Public Schools filed a pre-trial motion to dismiss supported by affidavits, to which Carey filed no response. Respondent Detroit Public Schools appeared at the time and date set for trial prepared to proceed. Charging Party Carey did not seek an adjournment and failed to appear for trial.

Discussion and Conclusions of Law:

Pursuant to the Public Employment Relations Act (PERA), MERC has adopted Rules governing the conduct of hearings. MERC Rule R 423.165 expressly provides for dismissal of a Charge where the Charging Party fails to appear for a hearing. On the Detroit Public Schools' motion, and from the bench on June 8, 2011, I granted dismissal based on Charging Party's failure to appear for trial.

RECOMMENDED ORDER

The unfair labor practice charge is dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Doyle O'Connor
Administrative Law Judge
Michigan Administrative Hearing System

Dated: June 8, 2011