

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

In the Matter of:

MICHIGAN STATE UNIVERSITY,
Public Employer - Respondent in Case No. C08 F-127,

-and-

MICHIGAN STATE UNIVERSITY ADMINISTRATIVE-PROFESSIONAL
ASSOCIATION, MEA/NEA,
Labor Organization - Respondent in Case No. CU08 D-018,

-and-

JOHN MORALEZ,
An Individual - Charging Party.

APPEARANCES:

James D. Nash, Associate Director of Human Resources, for the Public Employer

White, Schneider, Young & Chiodini, by William F. Young, Esq., for the Labor Organization

John Moralez, *In Propria Persona*

**DECISION AND ORDER DENYING
MOTION FOR RECONSIDERATION**

On December 18, 2008, the Commission issued its Decision and Order in the above-entitled matter, finding that Charging Party's charges against Respondents were barred by the six-month statute of limitations contained in Section 16(a) of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.216(a). Inasmuch as the employment relationship between Charging Party and Respondent Employer ended July 1, 2003, we concluded that it is no longer possible for Charging Party to file a timely charge under PERA against either of the Respondents based upon his past employment relationship. Accordingly, we affirmed the ALJ's dismissal of the unfair labor practice charges.

On January 7, 2009, Charging Party filed a motion for reconsideration of our Decision and Order and submitted a brief in support of the motion. Respondents did not submit a response to the motion.

Rule 167 of the Commission's General Rules, 2002 AACRS, R 423.167 governs motions for reconsideration and states in pertinent part:

A motion for reconsideration shall state with particularity the material error claimed. . . . Generally, and without restricting the discretion of the commission, a motion for reconsideration which merely presents the same issues ruled on by the commission, either expressly or by reasonable implication, will not be granted. (Emphasis added)

Charging Party's motion for reconsideration essentially restates the same arguments that were presented in his exceptions to the ALJ's Decision and Recommended Order. Those arguments were carefully considered and discussed by the Commission in our December 18, 2008 Decision and Order. Therefore, Charging Party has not set forth grounds for reconsideration. See *City of Detroit Water & Sewerage Dep't*, 1997 MERC Lab Op 453, in which the Commission denied the charging party's motion for reconsideration where the charging party restated the same arguments he presented in his exceptions.

ORDER

The motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION¹

Christine A. Derdarian, Commission Chair

Eugene Lumberg, Commission Member

Dated: _____

¹ Commissioner Nino E. Green was unable to participate in the decision in this matter.