

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

In the Matter of:

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, LOCAL 1583,
Labor Organization-Respondent,

Case No. CU10 I-038

-and-

JUDITH D. EBERLINE,
An Individual- Charging Party.

APPEARANCES:

Cassandra Harmon-Higgins, Staff Attorney, AFSCME Council 25 for Respondent

Judith D. Eberline, *In Propria Persona*

DECISION AND ORDER

On May 3, 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

Christine A. Derdarian, Commission Chair

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____

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

In the Matter of:

AFSCME LOCAL 1583

Respondent-Labor Organization,

Case No. CU10 I-038

-and-

JUDITH D. EBERLINE,

Individual Charging Party.

APPEARANCES:

Judith D. Eberline, Charging Party representing herself

Cassandra Harmon-Higgins, appearing for Respondent Labor Organization

**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 September 10, 2010, a Charge was filed in this matter by Charging Party Judith R. Eberline against Eberline's Union, AFSCME Local 1583. Following an adjournment concurred in by both parties, this matter was set for trial on May 3, 2011. Notice was properly sent to both parties. Respondent AFSCME appeared at the time and date set for trial prepared to proceed. Charging Party Eberline 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 AFSCME's motion, and from the bench on May 3, 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: May 3, 2011