

STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION

In the Matter of:

**INTERNATIONAL BROTHERHOOD OF  
ELECTRICAL WORKERS, LOCAL 17,**

Respondent-Labor Organization,

**Case No. CU98 C-13**

-and-

**GILMER W. SCOTT,**

An Individual Charging Party.

APPEARANCES:

Sachs, Waldman, O'Hare, Helveston, Bogas & McIntosh, P.C., by George H. Kruszewski, Esq.  
for the Respondent

Gilmer W. Scott *in pro per*

**DECISION AND ORDER**

On August 26, 1998, Administrative Law Judge Roy L. Roulhac issued his Decision and Recommended Order in the above matter recommending that the Commission dismiss the charges and complaint on the ground that Charging Party failed to appear at the scheduled hearing.

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.

COMMISSION

MICHIGAN EMPLOYMENT RELATIONS

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Maris Stella Swift, Commission Chair

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Harry W. Bishop, Commission Member

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C. Barry Ott, Commission Member

Date: \_\_\_\_\_

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Appearances:

For Respondent:

Sachs, Waldman, O'Hare, Helveston,  
Bogas & McIntosh, P.C.

By George H. Kruszewski, Esq.

**ORDER RECOMMENDING DISMISSAL**

On March 25, 1998, individual Charging Party Gilmer W. Scott filed charges against Respondent International Brotherhood of Electrical Workers, Local 17. He claimed that the Union failed to fairly represent him in connection with his layoff and termination on June 30, 1994. In accordance with Section 16(a) of PERA a complaint and notice of hearing was issued on April 3, 1998. The matter was scheduled for hearing at 10:00 a.m., Tuesday, June 23, 1998, at the Bureau of Employment Relations, 1200 6th Street, 14th Floor, Detroit MI.

Charging Party failed to appear for the hearing. The notice sent to Charging Party at his last known address was not returned as "undeliverable" by the postal officials. Since Charging Party did not appear to present evidence in support of his charge,<sup>1</sup> it is recommended that the Commission issue the order set forth below:

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<sup>1</sup>The charge was also filed more than six months after Charging Party's 1994, termination and did not, therefore, comply with the time limits set forth in Section 16(a) of PERA.

**RECOMMENDED ORDER**

The unfair labor practice charge is dismissed.

**MICHIGAN EMPLOYMENT RELATIONS COMMISSION**

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Roy L. Roulhac  
Administrative Law Judge

Dated: \_\_\_\_\_