

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

In the Matter of:

AMERICAN ASSOCIATION OF UNIVERSITY PROFESSORS,
NORTHERN MICHIGAN UNIVERSITY,
Respondent-Labor Organization,

Case No. CU03 A-007

-and-

JOSEPH SABOL,
An Individual Charging Party.

APPEARANCES:

Gregory, Moore, Jeakle, Heinen & Brooks, P.C., by Gordon A. Gregory, Esq., for Respondent

Joseph Sabol, In Propria Persona

**ORDER DENYING MOTION FOR RECONSIDERATION
AND MOTION FOR REOPENING THE RECORD**

On September 10, 2004, we issued our Decision and Order in the above entitled matter finding that Charging Party Joseph Sabol failed to establish that Respondent American Association of University Professors, Northern Michigan University breached its duty of fair representation under Section 10 of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.210. On October 4, 2004, Charging Party filed a Motion for Reconsideration and a Brief in Support, as well as a Motion for Reopening of the Record. Respondent filed a Brief in Opposition to Charging Party's Motions for Reconsideration and for Reopening of the Record on October 15, 2004.

Under Rule 167 of the Commission's General Rules, 2002 AACRS, R 423.167, a Motion for Reconsideration must present new issues on which the Commission has not previously ruled. Because Charging Party presents issues identical to those contained in his original charge, we deny his Motion for Reconsideration. *Essexville-Hampton Pub Schs*, 2002 MERC Lab Op 209; *Park Mgmt Ass'n, City of Detroit*, 1989 MERC Lab Op 188. We also deny Charging Party's Motion for Reopening of the Record, as the evidence that Charging Party seeks to introduce would not require us to change our prior Decision and Order. See Commission Rule 166(1)(c); *Detroit Pub Schs*, 17 MPER ¶37 (2004). Accordingly, we issue the following order:

ORDER

It is hereby ordered that the Motion for Reconsideration and the Motion for Reopening of the Record are denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Nora Lynch, Commission Chairman

Harry W. Bishop, Commission Member

Nino E. Green, Commission Member

Dated: _____