

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

In the Matter of:

CITY OF DETROIT,

Public Employer-Respondent in MERC Case No. C16 C-019; Docket No. 16-005064,

-and-

DETROIT POLICE LIEUTENANTS & SERGEANTS ASSOCIATION,

Labor Organization-Respondent in MERC Case No. CU16 C-010; Docket No. 16-005065,

-and-

DORETHY ROBINSON,

An Individual Charging Party.

\_\_\_\_\_ /

Dorethy Robinson, appearing on her own behalf

**DECISION AND ORDER**

On April 27, 2016, Administrative Law Judge Travis Calderwood issued his Decision and Recommended Order in the above matter finding that Respondents 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

\_\_\_\_\_  
/s/  
Edward D. Callaghan, Commission Chair

\_\_\_\_\_  
/s/  
Robert S. LaBrant, Commission Member

\_\_\_\_\_  
/s/  
Natalie P. Yaw, Commission Member

Dated: June 7, 2016

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

In the Matter of:

CITY OF DETROIT,

Respondent-Public Employer in Case No. C16 C-019; Docket No. 16-005064-MERC,

-and-

DETROIT POLICE LIEUTENANTS & SERGEANTS ASSOCIATION,

Respondent-Labor Organization in Case No. CU16 C-010; Docket No. 16-005065-MERC,

-and-

DORETHY ROBINSON,

An Individual Charging Party.

---

**DECISION AND RECOMMENDED ORDER**  
**OF ADMINISTRATIVE LAW JUDGE**

On March 1, 2016, Sergeant Dorethy Robinson filed the above unfair labor practice charges against the City of Detroit and the Detroit Police Lieutenant and Sergeants Association. Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, these cases were assigned to Administrative Law Judge Travis Calderwood of the Michigan Administrative Hearing System (MAHS), acting on behalf of the Michigan Employment Relations Commission (Commission).

The charges filed against the Respondents are identical, stating in the “Charge” section of the Commission provided form the following:

Failure to Represent, Misrepresentation of Union Responsibility

The sparse nature of the charges as filed fail to satisfy the Commission’s rather liberal pleading requirements as set forth in Rule 151(2)(c) of the Commission’s General Rules. R 423.151. Accordingly I directed Charging Party, by order issued on March 16, 2016, to file a more definite statement pursuant to Commission Rule 162, R 423.162, of her charges against both Respondents. My order directed Charging Party to respond in writing no later than March 30, 2016. That order provided notice to Charging Party that her “[f]ailure to fully and substantively comply with this order may result in dismissal of the charges without a hearing.”

To date no response has been received from Charging Party nor has she contacted or attempted to contact my office to seek an extension in time in which to file a response.

Discussion and Conclusions of Law:

Charging Party's failure to respond to my March 16, 2016, order, by itself, is cause for dismissal in favor of Respondents.<sup>1</sup> The captioning of the March 16, 2016, order as an Order for More Definite Statement as opposed to an Order to Show Cause does not, in the opinion of the undersigned, preclude a recommendation that the charges be dismissed for failing to state a claim actionable under PERA when the order provided explicit notice to the Charging Party that dismissal was possible.

The Commission does not investigate charges filed with it. Charges filed with the Commission must comply with the Commission's General Rules. More specifically, Rule 151(1) of the Commission's General Rules, R 423.151(1), states:

A charge that a person has engaged in or is engaging in an unfair labor practice in violation of LMA or PERA, may be filed with the commission. The charge shall, except for good cause shown, be prepared on a form furnished by the commission. An original and 4 copies of the charge shall be filed with the commission.

Rule 151(2)(c) of the Commission's rules, R 423.151(2)(c), requires that an unfair labor practice charge filed with the Commission include:

A clear and complete statement of the facts which allege a violation of LMA or PERA, including the date of occurrence of each particular act, the names of the agents of the charged party who engaged in the violation or violations and the sections of LMA or PERA alleged to have been violated.

Rule 165 of the Commission's General Rules, R 423.165, states that the Commission or an administrative law judge designated by the Commission may, on their own motion or on a motion by any party, order dismissal of a charge without a hearing for the grounds set out in that rule, including that the charge does not state a claim upon which relief can be granted under PERA. See, *Oakland County and Sheriff*, 20 MPER 63 (2007); *aff'd* 282 Mich App 266 (2009); *aff'd* 483 Mich 1133 (2009); *MAPE v MERC*, 153 Mich App 536, 549 (1986), *lv den* 428 Mich 856 (1987).

Charging Party's filings fail to allege any specific violation of PERA against either Respondent. Furthermore, the filings do not allege any facts, let alone facts which if proven true could establish that either Respondent violated PERA. For the reasons set forth herein, I recommend that the Commission issue the following order:

---

<sup>1</sup> The failure of a charging party to respond to an order to show cause may warrant dismissal of the charge. *Detroit Federation of Teachers*, 21 MPER 3 (2008).

**RECOMMENDED ORDER**

It is hereby ordered that the unfair labor practice charges, Case No. C16 C-019; Docket No. 16-005064-MERC and Case No. CU16 C-010; Docket No. 16-005065-MERC be dismissed in their entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

---

Travis Calderwood  
Administrative Law Judge  
Michigan Administrative Hearing System

Dated: April 27, 2016