

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

In the Matter of:

WAYNE STATE UNIVERSITY,  
Public Employer – Respondent in Case No. C01 G143,

-and-

HOTEL RESTAURANT EMPLOYEES LOCAL 24  
Labor Organization- Respondent in Case No. CU01 G-037,

-and-

DERRICK FIELDS,  
Individual Charging Party.

---

**APPEARANCES:**

Alvin L. Rainey for the Respondent Public Employer

Martens, Ice, Geary, Klass, Legghio, Israel & Gorchow,P.C., by Renate Klass, Esq., for the Respondent Labor Organization

Derrick Fields, in pro per

**DECISION AND ORDER**

On March 6, 2002, Administrative Law Judge Julia C. Stern issued her Decision and Recommended Order in the above matter finding that Respondent has not engaged in and was not engaging in certain unfair labor practices, and recommending that the Commission dismiss the charges and complaint as being without merit.

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

Maris Stella Swift, Commission Chair

Harry W. Bishop, Commission Member

C. Barry Ott, Commission Member

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

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

In the Matter of:

WAYNE STATE UNIVERSITY,  
Public Employer – Respondent in Case No. C01 G143,

-and-

HOTEL RESTAURANT EMPLOYEES LOCAL 24  
Labor Organization- Respondent in Case No. CU01 G-037,

-and-

DERRICK FIELDS,  
Individual Charging Party

---

**APPEARANCES:**

Alvin L. Rainey for the Respondent Public Employer

Martens, Ice, Geary, Klass, Legghio, Israel & Gorchow,P.C., by Renate Klass, Esq., for the Respondent Labor Organization

Derrick Fields, in pro per

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

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, a hearing was held in this case at Detroit, Michigan on February 7, 2002, before Julia C. Stern, Administrative Law Judge for the Michigan Employment Relations Commission. Charging Party Derrick Fields did not appear at this hearing, and Respondents moved to dismiss the charges. I held their motions in abeyance, stating that I would attempt to contact Fields by certified mail, and that I would grant their motions unless Fields showed good cause for his failure to appear. Based on the facts and for the reasons set out below, I make the following recommendation.

**The Unfair Labor Practice Charges:**

On July 17, 2001, Derrick Fields filed the above charges against his former Employer, Wayne State University, and his former bargaining agent, Hotel Restaurant Employees Local 24.

Fields alleged that the Respondent Employer violated Sections 10(1)(a), (c) & (d) of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210, by discharging and otherwise discriminating against him because he had engaged in union and other activities protected by PERA, and because he had filed previous charges under the Act. 1 Fields alleged that the Respondent Union violated its duty of fair representation toward him under Section 10(3)(a)(i) of PERA.

Facts:

On July 24, 2001, I issued a complaint and notice of hearing consolidating Fields' charges and scheduling them for hearing on October 10, 2001. The Respondent Union filed a motion for a more definite statement, which I granted on August 2, 2001. I also granted Fields' request for additional time to comply with my order. On October 29, Fields filed a document detailing his activities which he alleged to be protected by the Act. On November 8, I issued a notice rescheduling the hearing for February 7, 2002. The notice of hearing was served on Fields by regular mail at the address listed on his charge forms.

On February 1, 2002, after attempting unsuccessfully to reach Fields by phone, I sent him a letter by U.S. mail, next day air. I reminded Fields of the scheduled hearing and asked him to contact me to confirm that he still wished to proceed with his case. According to post office records, this letter was delivered to Fields' address of record on February 2, 2002. A "James Woods" signed for the letter. Fields did not contact me.

As noted above, Fields did not appear at the hearing on February 7, and Respondents moved to dismiss the charges. On that same date I sent Fields a letter by certified mail. I informed him that I was holding the motions in abeyance. I notified him that if he did not respond within 10 days and show good cause for his failure to appear at the hearing I would recommend that his charges be dismissed. The post office was not able to deliver this letter.

Discussion and Conclusions of Law:

Section 72(1) of the Michigan Administrative Procedures Act, MCL 24.272, states that if a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of a party.

Fields may no longer live at the address listed in his charges. However, he did not notify me of his new address. I find that Fields was properly served with the notice of hearing, that he failed to appear at the time and date scheduled for his case to be heard, and that he did not produce evidence to support the allegations made in his charges. I conclude, therefore, that Fields failed to meet his

---

1 Fields filed charges against the Respondent Employer on May 12, 2000 and July 28, 2000. These charges, Case Nos. C00 E-88 and C00 G-135, were consolidated for hearing before Administrative Law Judge Roy L. Roulhac. On September 28, 2001, he issued a Decision and Recommended Order recommending to the Commission that these charges be dismissed. On November 13, Fields filed exceptions which remain pending.

burden of proving that the Respondent Employer and/or the Respondent Union committed an unfair labor practice. I recommend that the Commission issue the following order.

**RECOMMENDED ORDER**

The charges are hereby dismissed in their entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

---

Julia C. Stern  
Administrative Law Judge

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