

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

In the Matter of:

ASSOCIATION OF PROFESSIONAL & TECHNICAL EMPLOYEES
Labor Organization-Respondent

MERC Case No. 20-A-0188-CU

-and-

CHRISTOPHER JONES,
An Individual Charging Party.

APPEARANCES:

Christopher Jones, appearing on his own behalf

DECISION AND ORDER

On August 31, 2020, Administrative Law Judge David M. Peltz issued his Decision and Recommended Order¹ 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 either of the parties.

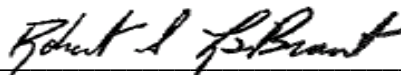
ORDER

Pursuant to Section 16 of the Act, the Commission adopts the recommended order of the Administrative Law Judge as its final order.

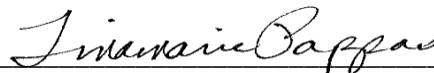
MICHIGAN EMPLOYMENT RELATIONS COMMISSION



Samuel R. Bagenstos, Commission Chair



Robert S. LaBrant, Commission Member



Tinamarie Pappas, Commission Member

Issued: December 30, 2020

¹ MOAHR Hearing Docket No. 20-002866

**STATE OF MICHIGAN
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

ASSOCIATION OF PROFESSIONAL &
TECHNICAL EMPLOYEES,
Respondent-Labor Organization,

Case No. 20-A-0188-CU
Docket No. 20-002866-MERC

-and-

CHRISTOPHER JONES,
An Individual Charging Party.

APPEARANCES:

Christopher Jones, appearing on his own behalf

**DECISION AND RECOMMENDED ORDER
OF ADMINISTRATIVE LAW JUDGE
ON SUMMARY DISPOSITION**

This case arises from an unfair labor practice charge filed on January 31, 2020, by Christopher Jones against the Association of Professional & Technical Employees (APTE). Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, the charge was assigned to David M. Peltz, Administrative Law Judge (ALJ) for the Michigan Office of Administrative Hearings and Rules (MOAHR), acting on behalf of the Michigan Employment Relations Commission (Commission).

Procedural History:

An evidentiary hearing was scheduled for Wednesday, August 12, 2020, beginning at 10 a.m. via remote video conference. A Notice of Hearing and instructions for joining the video conference were sent to the parties, as well as the City of Detroit, at their email addresses of record. On the date and time scheduled for hearing, Anita Berry was present on behalf of the City. However, neither Charging Party nor Respondent appeared for the hearing.

On August 14, 2020, I issued an Order directing Charging Party to show cause why the charge should not be dismissed on the ground that the case had been abandoned. In the Order, I cautioned Charging Party that to avoid dismissal of the charge, the response must set forth the reason for Charging Party's failure to appear for hearing at the time and date scheduled, along with any supporting documentation, if applicable. Pursuant to the Order, Charging Party's

response was due by the close of business on August 28, 2020. Charging Party did not file a response to the Order to Show Cause by the deadline specified therein.

Discussion and Conclusions of Law:


Pursuant to Rule 165(1), R 423.165(1), of the General Rules and Regulations of the Employment Relations Commission, which govern practice and procedure in administrative hearings conducted under PERA by MOAHR, the ALJ may “on [his] own motion or on a motion by any party, order dismissal of a charge or issue a ruling in favor of the charging party.” Among the various grounds for summary dismissal of a charge is a failure by a party to appear for a hearing or pre-hearing conference. See Rule 165(2)(g). In addition, Rule 165(h) provides that a charge may be dismissed on summary disposition where a party fails to timely respond to a dispositive motion or show cause order.

In the instant case, Charging Party failed to appear for the hearing which was scheduled for August 12, 2020. Moreover, despite having been directed to do so, Charging Party failed to file a response to the Order to Show Cause explaining the reason for his absence on the specified date and time. For these reasons, I find that dismissal of the charge on summary disposition is appropriate and recommend that the Commission issue the following order.

RECOMMENDED ORDER

The unfair labor practice charge filed by Christopher Jones against APTE in Case No. 20-A-0188-CU; Docket No. 20-002866-MERC is hereby dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION



David M. Peltz
Administrative Law Judge
Michigan Office of Administrative Hearings and Rules

Dated: August 31, 2020