

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

In the Matter of:

AFSCME COUNCIL 25, LOCAL 2920,
Labor Organization-Respondent

MERC Case No. 20-H-1293-CU

-and-

RAYMOND SOTO,
An Individual Charging Party.

APPEARANCES:

Raymond Soto, appearing on his own behalf

DECISION AND ORDER

On September 11, 2020, Administrative Law Judge Travis Calderwood 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.

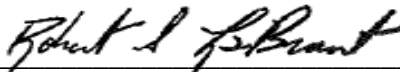
ORDER

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

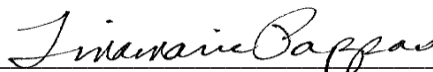
MICHIGAN EMPLOYMENT RELATIONS COMMISSION



Samuel R. Bagenstos, Commission Chair



Robert S. LaBrant, Commission Member



Tinamarie Pappas, Commission Member

Issued: December 30, 2020

¹ MOAHR Hearing Docket No. 20-015786

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

In the Matter of:

AFSCME COUNCIL 25, LOCAL 2920,
Charging Party-Respondent,

-and-

Case No. 20-H-1293-CU
Docket No. 20-015786-MERC

RAYMOND SOTO,
An Individual Charging Party.

APPEARANCES:

Raymond Soto appearing on his own behalf

**DECISION AND RECOMMENDED ORDER OF
ADMINISTRATIVE LAW JUDGE ON
ORDER TO SHOW CAUSE**

On August 20, 2020, Raymond Soto (Charging Party) filed the above unfair labor practice charge with the Michigan Employment Relations Commission (Commission) against his bargaining representative, AFSCME Council 25, Local 2920 (Respondent or Union). 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 Administrative Law Judge Travis Calderwood of the Michigan Office of Administrative Hearings and Rules (MOAHR), acting on behalf of the Michigan Employment Relations Commission (Commission).

Charging Party's filing, which consisted solely of the Commission approved unfair labor practice form with the words, "unfair labor practice" written on it, is devoid of any allegation nor or explanation as to what Charging Party believes the Union may have done in violation of PERA.

On August 24, 2020, I issued an Order to Show Cause pursuant to Rule 165 of the Commission's General Rules, 2002 AACRS, 2014 MR 24, R 423.165, for the reason that the charge did not state a claim upon which relief could 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 response was due by September 8, 2020. Charging Party did not file a response to my order, nor did he contact my office in order to request an extension of time in which to file such a response.

Discussion and Conclusions of Law:

Charging Party's failure to respond to my May 15, 2020, order, by itself, is cause for dismissal in favor of Respondents. The failure of a charging party to respond to an order to show cause may warrant dismissal of the charge. See R 423.165(h); See also *Detroit Federation of Teachers*, 21 MPER 3 (2008).

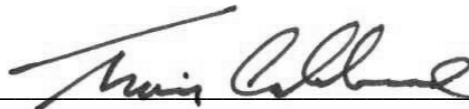
Charing Party's failure to respond to the show cause order aside, this charge sets forth no allegations. The Commission does not investigate charges filed with it. Charges filed with the Commission must comply with the Commission's General Rules. More specifically, Rule 151(2)(c), of the Commission's General Rules, 2002 AACRS; 2014 MR 24, 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 [the Act]..." Only charges that are timely and properly allege a violation of PERA are set for hearing before an administrative law judge.

For the reasons stated herein, I recommend that the Commission issue the following order dismissing the charge in its entirety.

RECOMMENDED ORDER

It is hereby ordered that the unfair labor practice charge be dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION



Travis Calderwood
Administrative Law Judge
Michigan Office of Administrative Hearings and Rules

Dated: September 11, 2020