

STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

DETROIT BOARD OF EDUCATION,

Respondent-Public Employer in Case No. C97 I-204,

-and-

DETROIT FEDERATION OF TEACHERS,

Respondent-Labor Organization in Case No. CU97 I-34,

-and-

SHEILA KNUBBE,

An Individual Charging Party.

APPEARANCES:

Gordon J. Anderson, Esq., Office of Labor Affairs, for the Public Employer

Julia A. Petrik, Esq. & Eileen Nowikowski, Esq., Sachs, Waldman, O'Hare, Helveston, Bogas & McIntosh, P.C., for the Labor Organization

Sheila Knubbe, *In Pro Per*

DECISION AND ORDER

On May 14, 1998, Administrative Law Judge Roy L. Roulhac issued his Decision and Recommended Order in the above matter finding that Respondents did not violate Section 10 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, and recommending that the Commission dismiss the charges and complaint. Charging Party filed timely exceptions to the ALJ's Decision and Recommended Order on June 8, 1998.

On August 10, 1998, we remanded this case to the Administrative Law Judge to give Charging Party an opportunity to file an amended charge setting forth the factual basis for her contention that the Detroit Board of Education retaliated against her for exercising her right to file a grievance and to clarify whether the fair representation claim against the Detroit Federation of Teachers pertained to the alleged act or acts of retaliation by the Detroit Board of Education. Charging Party was granted 20 days from the date of the remand order to file an amended charge.

The remand order directed that if such a charge was not filed within that time period, the case shall be dismissed.

Charging Party did not file an amended charge by August 31, 1998. On September 9, 1998, Administrative Law Judge Roulhac issued a Decision and Recommended Order on Remand recommending that the Commission dismiss the charges and complaint.

The Decision and Recommended Order on Remand was served on the interested parties on September 9, 1998, in accord with Section 16 of the Act.

The parties have had an opportunity to review the Decision and Recommended Order on Remand 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 on remand as its final order.

COMMISSION MICHIGAN EMPLOYMENT RELATIONS

Maris Stella Swift, Commission Chair

Harry W. Bishop, Commission Member

C. Barry Ott, Commission Member

Date: _____

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Respondent - Public Employer

-and-

DETROIT FEDERATION OF TEACHERS

Respondent - Labor Organization

-and-

SHEILA KNUBBE

Charging Party, An Individual

**Case No. C97 I-204
CU97 I-34**

APPEARANCES:

For the Public Employer:

Office of Labor Affairs

By Gordon J. Anderson, Esq.

For the Labor Organization:

Sachs, Waldman, O'Hare, Helveston, Bogas &
McIntosh, P.C.

By Julie A. Petrik & Eileen Nowikowski, Esqs.

For the Charging Party:

Sheila Knubbe, *In Pro Se*

DECISION AND RECOMMENDED ORDER
ON
REMAND ORDER

On September 26, 1997, Charging Party Sheila Knubbe filed unfair labor practice charges against Respondents Detroit Board of Education and the Detroit Federation of Teachers. Knubbe, a former employee of the Detroit Board of Education and member of the Detroit Federation of Teachers claims that Respondents committed unfair labor practices in connection with her discharge from employment.

On May 14, 1998, I issued a Decision and Recommended Order in the above case recommending dismissal of the unfair labor practice charges filed against Respondents Detroit Board of Education and Detroit Federation of Teachers under Section 10(1) of the Public Employment

Relations Act (PERA), 1947 PA 336, as amended, MCL 423.210; MSA 17.455(10).

Charging Party filed timely exception to the Decision and Recommended Order and Respondent Detroit Federation of Teachers filed a brief in support of the Decision and Recommended Order. On August 10, 1998 the Commission remanded this matter to the me to give Charging Party an opportunity to file an amended charge setting forth the factual basis for her contention that the Detroit Board of Education retaliated against her for exercising her right to file a grievance and to clarify whether the fair representation claim against the Detroit Federation of Teachers pertained to the alleged act or acts of retaliation by the Detroit Board of Education. Charging Party was granted 20 days from the date of the remand order to file an amended charge. The Commission's remand order directed that if no charge was filed within that time period, the cases shall be dismissed.

Charging Party did not filed an amended charge by August 31, 1998. It is therefore recommended that the Commission issue the order set forth below:

Recommended Order

The unfair labor practice charges are dismissed.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Roy L. Roulhac
Administrative Law Judge

Dated _____