

STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION

In the Matter of:

**AMERICAN FEDERATION OF STATE,  
COUNTY AND MUNICIPAL EMPLOYEES,  
COUNCIL 25,**

Respondent-Labor Organization,

**Case No. CU98 C-10**

-and-

**WENDELL W. PHILLIPS,**  
An Individual Charging Party.

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APPEARANCES:

Miller Cohen, P.L.C., by Gail M. Wilson, Esq., for the Respondent

Wendell W. Phillips *in pro per*

**DECISION AND ORDER**

On August 26, 1998, Administrative Law Judge Roy L. Roulhac issued his Decision and Recommended Order in the above matter finding that the charges were not filed within the time limits set forth in Section 16(a) of the Public Employment Relations Act (PERA), 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.

COMMISSION

MICHIGAN EMPLOYMENT RELATIONS

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Maris Stella Swift, Commission Chair

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Harry W. Bishop, Commission Member

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C. Barry Ott, Commission Member

Date: \_\_\_\_\_

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An Individual - Charging Party

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

On March 12, 1998, individual Charging Party Wendell W. Phillips filed charges against Respondent American Federation of State, County and Municipal Employees, Council 25. The charges read:

Misrepresentation - failed to submit documents of wrongful discharge. Arbitration, misrepresented, mislead, contract dispute with employer - Union failed to submit wrongful charges during arbitration. Did not receive ruling from arbitrator until Wednesday Mar 4, 1998. I would not have filed late if I knew what was going on. Why is everybody scared of union's [sic].

An October 6, 1997, letter attached to the charge indicated that at the September 9, 1997, arbitration hearing Charging Party withdrew his grievance under the terms of the collective bargaining agreement.

On July 27, 1998, Charging Party was granted fourteen (14) days to show cause why the charge should not be dismissed since it was not filed within the time limits set forth in Section 16(a) of PERA. Charging Party did not respond to the order. Clearly, the March 16, 1998, charge was filed more than six months after the September 9, 1997, arbitration hearing. I, therefore, recommend that the Commission issue the order set forth below:

**RECOMMENDED ORDER**

The unfair labor practice charge is dismissed.

**MICHIGAN EMPLOYMENT RELATIONS COMMISSION**

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Roy L. Roulhac  
Administrative Law Judge

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