

STATE OF MICHIGAN  
EMPLOYMENT RELATIONS COMMISSION  
LABOR RELATIONS DIVISION

In the Matter of:

DETROIT TRANSPORTATION CORPORATION,  
Respondent – Public Employer,

-and-

OTIS D. WILLIAMS  
An Individual Charging Party.

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Case No. C03 B-037

APPEARANCES:

Lewis & Mundy, by Daryl Adams, Esq., for the Labor Organization

Otis D. Williams, In Pro Per

**DECISION AND ORDER**

On February 26, 2004, Administrative Law Judge Roy L. Roulhac issued his 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

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Nora Lynch, Commission Chairman

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Harry Bishop, Commission Member

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Maris Stella Swift, Commission Member

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

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DECISION AND RECOMMENDED ORDER  
OF ADMINISTRATIVE LAW JUDGE ON  
MOTION FOR SUMMARY DISPOSITION

On February 18, 2003, Otis D. Williams, filed an unfair labor practice charge on behalf of the American Train Dispatchers Department against the Detroit Transportation Corporation.<sup>1</sup> The charge alleged harassment and discrimination and Williams was not notified of an overtime assignment on November 27, 2002.

On December 23, 2003, Respondent Detroit Transportation Corporation filed a Motion for Summary Disposition alleging that the charge did not state a claim for which relief could be granted under the Public Employment Relations Act (PERA), MCL 423.201 *et. seq.* Charging Party was granted fourteen days to respond to Respondent's Motion. He did not file a response.

I find that Charging Party has failed to state a claim for which relief can be granted under PERA. The charge does not allege that Respondent discriminated against Charging Party because of his union activity or other activity protected by Section 9 of PERA. Absent an allegation that Respondent interfered with, restrained, coerced or retaliated against Charging Party because he engaged in conduct protected by Section 9, the Commission is prohibited from making a judgment on the merits or fairness of Respondent's action. *City of Detroit (Fire Dept.)*, 1988 MERC Lab Op 561, 563-564;

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<sup>1</sup>On June 24, 2003, the ATDD filed a request that its name be removed as the Charging Party and that Otis D. Williams, a member of its local, be substituted.

*Detroit Board of Education*, 1987 MERC Lab Op 523, 524. 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: \_\_\_\_\_