

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

In the Matter of:

CITY OF EAST GRAND RAPIDS,
Public Employer - Respondent in Case No. C06 J-258,

-and-

POLICE OFFICERS LABOR COUNCIL,
Labor Organization - Respondent in Case No. CU06 J-050,

-and-

POLICE OFFICERS ASSOCIATION OF MICHIGAN,
Labor Organization - Respondent in Case No. CU06 J-051,

-and-

CARRIE L. HUDENKO,
An Individual - Charging Party.

_____ /

APPEARANCES:

Carrie L. Hudenko, *In Propria Persona*

ORDER DENYING MOTION FOR RECONSIDERATION

On February 21, 2007, we issued our Decision and Order in the above-captioned matter finding that no timely exceptions had been filed to the Administrative Law Judge's Decision and Recommended Order issued on December 5, 2006. Therefore, our Decision adopted the ALJ's recommendation that the charges be dismissed. On March 6, 2007, Charging Party filed a Motion for Reconsideration.¹

In her Motion for Reconsideration, Charging Party contends that she delivered her exceptions to the post office on January 25, 2007 and was assured by postal employees that the documents would be delivered to our office before the January 29, 2007 deadline. However, the exceptions were not received in the Commission's office until January 30, 2007. Charging Party contends that despite the untimeliness of her exceptions, we should

¹ None of the Respondents filed answers to the Motion for Reconsideration.

reconsider our decision dismissing the charges because the untimeliness was due to unforeseen delay by the post office.

It is well established that the date of filing of exceptions is the date that the document is received at the Commission's office. See e.g. *Amalgamated Transit Local 26*, 20 MPER 1 (2007); *Wayne Co Cmty College Dist*, 18 MPER 54 (2005); *City of Detroit (Dep't of Public Works)*, 17 MPER 5 (2004); *Frenchtown Charter Twp*, 1998 MERC Lab Op 106, 110 aff'd sub nom *International Union v Frenchtown Charter Twp*, unpublished opinion per curiam of the Court of Appeals, issued November 2, 1999 (Docket No. 211639), 1999 WL 33432169. Charging Party's apparent reliance on assurances from post office employees that the exceptions should arrive timely via regular mail is insufficient, as Charging Party had other options that would have ensured timely delivery of the exceptions. In sending the exceptions by regular mail, Charging Party bore the risk of delay. *Talamantes-Penalver v INS*, 51 F3d 133, 136 (CA 8, 1995). See also *Anssari-Gharachedaghy v INS*, 246 F3d 512 (CA 6, 2000).

ORDER

Charging Party's Motion for Reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Christine A. Dardarian, Commission Chair

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____