STATE OF MICHIGAN
EMPLOYMENT RELATIONS COMMISSION
LABOR RELATIONS DIVISION

In the Matter of:

WAYNE COUNTY COMMUNITY COLLEGE
FEDERATION OF TEACHERS,
Labor Organization-Respondent,

Case No. CU06 B-004

-and-

PATRICK EMEKA ANYANETU,
An Individual-Charging Party.
_____/

APPEARANCES:

Law Offices of Mark Cousens, by Gillian H. Talwar, Esq., for the Respondent

Patrick Emeka Anyanetu, *In Propria Persona*

DECISION AND ORDER ON MOTION FOR RECONSIDERATION

On August 9, 2007, the Commission issued its Decision and Order in the above-entitled matter dismissing the unfair labor practice charge. We affirmed the October 23, 2006 Decision and Recommended Order of the Administrative Law Judge (ALJ), which found that Charging Party's failure to appear at the scheduled hearing to present evidence in support of his charge warranted its dismissal. In his exceptions to the ALJ's Decision and Recommended Order, Charging Party contended that he was confused about whether he was required to appear at the hearing.

On August 24, 2007, Charging Party filed a document entitled "An Appeal Against the Dismissal of Charges Against the Above-named Parties, and a Grant of Hearing of the aggrieved due to Incomplete Presentation of Facts by the Administrative Judge [sic] and Improper Use of of [sic] the Union's Legal Counsel against a Fellow Dues Paying Member." On the same day, Respondent filed a response to Charging Party's filing, arguing that it should be dismissed whether we treat it as an appeal or as a motion for reconsideration. We note that we have no jurisdiction over an appeal from our own Decision and Order. However, recognizing that Charging Party is not represented by counsel, we will treat Charging Party's filing as a motion for reconsideration.

In Charging Party's motion, he admits that he did not appear at the time set for the hearing originally scheduled in this matter on June 15, 2006. Charging Party states that he arrived at the hearing location later the same day and asked that the matter be rescheduled. The ALJ granted his request and scheduled the matter for November 7, 2006. After an exchange of correspondence between Charging Party and the ALJ regarding the rescheduled date, the ALJ attempted to accommodate Charging Party's schedule by setting the hearing for October 11, 2006, at 4:00 p.m., a time of the day that Charging Party asserted would be more convenient for him.

According to Charging Party's motion, he met with the ALJ in the interim to inquire about filing a charge against his employer, Wayne County Community College. Charging Party claims that the ALJ erred by failing to mention this meeting in her Decision and Recommended Order and that this omission improperly influenced our Decision. Charging Party contends that, based on that meeting and on his September 12, 2006 letter to the ALJ requesting that his employer be added as a Respondent, it was his "impression" that a new date would be set for the hearing. We find no merit to this argument.

The record contains correspondence from Charging Party to the ALJ dated September 12, 2006, in which Charging Party asked to amend his charge to include his employer as a party. On September 20, 2006, the ALJ wrote back to Charging Party providing him with a copy of the form that must be completed to file an unfair labor practice charge.[1] Neither the Charging Party's letter nor the ALJ's letter mentioned the hearing scheduled for October 11, 2006. There is nothing in the record after the notice scheduling the hearing for October 11, 2006 that indicates that the hearing would be adjourned again.

Although Charging Party acted as his own counsel in this case, that does not relieve him of the responsibility to know the law and rules of procedure with which he is required to comply. See *Lake Erie Transp Comm*, 16 MPER 21 (2003). It was Charging Party's responsibility to either appear for the hearing at the scheduled time or verify his "impression" that the hearing would be rescheduled. See *Curley* v *Beryllium Development Corp*, 281 Mich 554 (1937).

Rule 167 of the Commission's General Rules, 2002 AACS R 423.167 governs motions for reconsideration and states in pertinent part:

> A motion for reconsideration shall state with particularity the material error claimed. . . . Generally, and without restricting the discretion of the commission, a motion for reconsideration which merely presents the same

[1] On October 24, 2006, Charging Party filed a charge against his employer, (Case No. C06 J-254) along with a new charge against the Respondent in this matter (Case No. CU06 J-048). The ALJ issued a Decision and Recommended Order recommending dismissal of both charges after Charging Party failed to respond to an Order to Show Cause. In the absence of timely exceptions, we adopted the ALJ's recommendation in a Decision and Order issued on February 7, 2007.

issues ruled on by the commission, either expressly or by reasonable implication, will not be granted. (Emphasis added.)

Although the arguments in Charging Party's motion for reconsideration provide factual assertions not contained in his exceptions to the ALJ's Decision and Recommended Order, the issues raised are the same – Charging Party claims that he was confused about the need to appear at the scheduled hearing. Those arguments were carefully considered and discussed in our August 9, 2007 Decision and Order. Therefore, Charging Party has not set forth grounds for reconsideration. See *American Ass'n of Univ Profs* 18 MPER 9 (2005), aff'd *American Ass'n of Univ Profs v Sabol*, unpublished opinion per curiam of the Court of Appeals, issued July 12, 2005 (Docket No. 260751), 18 MPER 47; Wayne Co Cmty College, 16 MPER 50 (2003); *City of Detroit Water and Sewerage Dep't*, 1997 MERC Lab Op 453.

ORDER

The motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Christine A. Derdarian, Commission Chair

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

Dated: _____