

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

In the Matter of:

CITY OF DEARBORN,  
Public Employer-Respondent,

Case No. C08 B-030

-and-

TEAMSTERS LOCAL 214,  
Labor Organization-Charging Party.

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**APPEARANCES:**

Dykema Gossett P.L.L.C., by John A. Entenman, Esq., for the Respondent

Rudell & O'Neill, P.C., by Kevin J. O'Neill, Esq., for the Charging Party

**DECISION AND ORDER**

On June 24, 2009, Administrative Law Judge Julia C. Stern issued her Decision and Recommended Order on Summary Disposition in the above matter finding that Respondent did not violate Section 10 of the Public Employment Relations Act, 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.

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: \_\_\_\_\_

**STATE OF MICHIGAN  
STATE OFFICE OF ADMINISTRATIVE HEARINGS AND RULES  
EMPLOYMENT RELATIONS COMMISSION**

In the Matter of:

CITY OF DEARBORN,  
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**APPEARANCES:**

Dykema Gossett PLLC, by John A. Entenman, Esq., for the Respondent

Rudell & O'Neill, PC, by Kevin J. O'Neill, Esq., for the Charging Party

**DECISION AND RECOMMENDED ORDER  
OF ADMINISTRATIVE LAW JUDGE  
ON SUMMARY DISPOSITION**

Pursuant to Sections 10 and 16 of the Public Employment Relations Act (PERA), 1965 PA 379, as amended, MCL 423.210 and 423.216, this case was scheduled for hearing at Detroit, Michigan on May 18, 2009 before Administrative Law Judge Julia C. Stern of the State Office of Administrative Hearings and Rules for the Michigan Employment Relations Commission.

Teamsters Local 214 filed this charge against the City of Dearborn on February 1, 2008. The charge alleges that on January 3, 2008, Respondent violated Sections 10(1)(a) and (c) of PERA when it terminated Charging Party stewards Dennis Mooney and John Logan because of their union and other activities protected by Section 9 of the Act. The charge was originally scheduled to be heard on June 10, 2008, but was held in abeyance pending my ruling on Respondent's motion for summary disposition and then adjourned several times over Respondent's objection.

On January 21, 2009, the parties agreed on the record to adjourn the hearing to allow an arbitrator to issue a decision as to whether Respondent had just cause to terminate Logan and Mooney. They also stipulated on that date that Respondent's liability for back pay and other benefits would be tolled between the date of the arbitrator's decision and my decision and recommended order. They further agreed that the hearing would be rescheduled for May 18, 19,

20 and 21, 2009. Both Mooney and Logan were present when these agreements were reached. On May 18, 2009, counsel for Charging Party appeared at the time and date scheduled for the hearing, but Mooney and Logan did not. Charging Party's counsel indicated that he was not prepared to proceed because Mooney and Logan were not present. He stated that he had discussed the May 18 date with Logan and Mooney after January 21, but that they had not responded to his attempts to reach them to prepare for the hearing. Respondent moved to dismiss the charge, and Charging Party's counsel objected.

On May 19, 2009, I issued an order giving Charging Party until June 22, 2009 to file a motion asserting that either Mooney or Logan had good cause for failing to appear or notify me of their intent not to appear at the hearing on May 18. The order stated that if no motion was filed, I would recommend to the Commission that the charge be summarily dismissed pursuant to Rule 165 (1) and (2)(g) of the Commission's General Rules, 2002 AACRS, R 423.165(1) and (2)(g). As no motion was filed, I recommend that the Commission issue the following order.

**RECOMMENDED ORDER**

The charge is dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

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Julia C. Stern  
Administrative Law Judge

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