

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

In the Matter of:

CITY OF DETROIT (DEP'T OF WATER AND SEWERAGE),  
Public Employer-Respondent in Case Nos. C08 E-093 and C08 I-195,

-and-

AFSCME COUNCIL 25, LOCAL 207,  
Labor Organization-Respondent in Case No. CU08 E-024,

-and-

DONALD LE PAUL HOOKS,  
An Individual-Charging Party.

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**APPEARANCES:**

Miller Cohen, P.L.C., by Robert D. Fetter, Esq., for the Labor Organization

Donald Le Paul Hooks, *In Propria Persona*

**ORDER DENYING MOTION FOR RECONSIDERATION  
AND MOTION FOR REOPENING THE RECORD**

On March 11, 2010, this Commission issued its Decision and Order in the above-entitled matter, finding that the charges filed against Respondents were barred by the six month limitations period and failed to state claims upon which relief can be granted under the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.201- 423.217. We concluded that the charge against Respondent Employer failed to allege that the Employer was motivated by anti union animus to take action adverse to Charging Party. Also, the charge against Respondent Union did not assert that it had acted arbitrarily, discriminatorily or in bad faith in its representation of Charging Party on grievances filed against the Employer. Accordingly, we affirmed the ALJ's summary dismissal of the unfair labor practice charge against each Respondent.

On April 5, 2010, Charging Party filed a motion for reconsideration of our Decision and Order and a motion to reopen the record, as well as a combined brief in support of both motions. On April 9, 2010, Respondent Union filed a combined response to Charging Party's motions.

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

Charging Party's motion for reconsideration essentially restates the arguments already proffered in his exceptions to the ALJ's Decision and Recommended Order. These arguments were carefully considered and discussed in our Decision and Order of March 11, 2010. Thus, Charging Party has not properly set forth grounds for reconsideration of our Decision and Order. See *Michigan State University*, 22 MPER 30 (2009); *City of Detroit Water and Sewerage Dep't*, 1997 MERC Lab Op 453,

Rule 166 of the Commission's General Rules, 2002 AACS, R 423.166 governs motions for reopening of the record. Under Rule 166, a motion to reopen the record must be predicated on newly discovered evidence that would have led to a different result if it had been offered at the time of the original hearing. The evidence that Charging Party seeks to introduce does not support a change in the result. The assertions made by Charging Party do not state a claim upon which relief can be granted under PERA. See *Detroit Pub Schs*, 17 MPER 37 (2004). Accordingly, we issue the following order:

**ORDER**

Charging Party's motions are hereby 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: \_\_\_\_\_