

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

In the Matter of:

MSU ADMINISTRATIVE-PROFESSIONAL ASSOCIATION,
Labor Organization-Respondent in Case Nos. CU08 J-054,

-and-

MICHIGAN STATE UNIVERSITY,
Public Employer-Respondent in Case No. C08 J-224,

-and-

JOHN MORALEZ,
An Individual-Charging Party.

APPEARANCES:

James D. Nash, Associate Director of Human Resources, for the Public Employer

White, Schneider, Young & Chiodini P.C., by William F. Young, Esq., for the Labor Organization

John Moralez, *In Propria Persona*

**DECISION AND ORDER DENYING
MOTION FOR RECONSIDERATION**

On July 16, 2010, this Commission issued its Decision and Order in the above-entitled matter, finding that the charges filed against Respondents were time barred by the six month limitations period under the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.216. We found that the unfair labor practice charges filed in October, 2008 stemmed from Charging Party's employment termination that occurred in June, 2003. As such, the allegations fell outside of the timeline permitted for relief under PERA. Accordingly, we affirmed the ALJ's summary dismissal of the unfair labor practice charge against each Respondent.

On August 4, 2010, Charging Party filed a motion for reconsideration of our Decision and Order¹. On August 11, 2010, he filed a brief in support of his reconsideration motion.

¹ The document was entitled-- "Motion to Set Aside, Dismiss and Vacate Commission's July 16, 2010 Order".

On August 16, 2010, Respondent Union filed a response and brief in opposition to the reconsideration motion. On August 20, 2010, Respondent Employer filed a Memorandum in Support of the Commission's Decision and Order of July 16, 2010. Due to the untimely filing of Charging Party's supporting brief and the Employer's memorandum, neither will be considered in this decision.

Rule 167 of the Commission's General Rules, 2002 AACRS, 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 and supplemental pleadings set forth numerous assertions in support of his reconsideration request; however, he essentially restates arguments already offered in his exceptions and other pleadings opposing the ALJ's Decision and Recommended Order. These arguments were carefully considered and discussed in our Decision and Order of July 16, 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.

Accordingly, we issue the following order:

ORDER

Charging Party's motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION²

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____

² Commission Chair Christine A. Derdarian did not participate in this decision.