

**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.

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**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 MOTIONS**

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 statutory time period 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 that we considered and denied as a motion for reconsideration. Specifically, the allegations failed to satisfy the minimum requirements set forth in Rule 167, of the General Rules of the Michigan Employment Commission, 2002 AACS, R 423.167.

On October 1, 2010, October 6, 2010 and November 3, 2010, Charging Party re-submitted his prior motion requesting that it be processed under Commission Rule 179 as a motion to set aside, dismiss and vacate our July 16, 2010 decision, rather than under Rule 167, R 423.167. Charging Party also requests that an evidentiary hearing be conducted on the underlying charges in these matters.

Finally, on November 10, 2010 and again on December 1, 2010, Charging Party filed motions requesting that we “set aside, vacate and dismiss all of the Commission’s and the ALJ’s previous orders” and grant summary disposition in favor of Charging Party. He asserts that since Respondents did not file objections to his three pending motions, a ruling in his favor is appropriate under Commission Rule 165, R423.165.

After careful review of Charging Party’s pending motions and supplemental pleadings, we find that he essentially restates arguments already presented and discussed in our earlier decisions on these matters. We note that we previously cautioned<sup>1</sup> and reiterate today that subsequent complaints filed by Charging Party against these same Respondents based on allegations stemming from his 2003 employment discharge would be dismissed pursuant to PERA section 16(a) and Commission Rule 151(5), R423.151(5).

Accordingly, we issue the following order:

**ORDER**

Charging Party’s motions are denied in their entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION<sup>2</sup>

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Nino E. Green, Commission Member

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Eugene Lumberg, Commission Member

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

<sup>1</sup> Refer to MERC decisions issued in C08 F-127 on December 18, 2008, and in the instant case on July 16, 2010.

<sup>2</sup> Commission Chair Christine A. Dardarian did not participate in the instant decision.