

**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, 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<sup>1</sup>.

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<sup>1</sup> This Commission reviewed and dismissed earlier charges filed by Moralez against these same Respondents stemming from his 2003 employment discharge (e.g., CU05 J-044, C06 L-305, C08 F-012 and CU08 D-018). On review, the Court of Appeals affirmed our decisions in CU05 J-044 and C06 L-305.

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 AACCS, R 423.167.

On December 17, 2010, this Commission again denied several motions filed by Charging Party that, in sum, asked us to vacate our previous decisions in this matter and grant “summary dismissal” in his favor. In rejecting these requests, we admonished Charging Party that any future filings with this agency arising from his 2003 employment discharge would be dismissed pursuant to PERA section 16(a) and Commission Rule 151(5), R423.151(5).

Most recently on December 27, 2010 and February 7, 2011, Charging Party filed new motions seeking to “set aside, dismiss and vacate” our order of December 17, 2010, again predicated on events stemming from the 2003 job loss and arguments already raised in his earlier pleadings. As such, these latest matters are untimely filed and fall outside the extent of our jurisdiction. We further advise Charging Party that no additional remedies exist within PERA or any other statute within our jurisdiction on his claims against Respondents. As such, any future filings by Charging Party relating to his employment with Michigan State University that terminated in 2003 and his representation by the MSU Administrative-Professional Association will be administratively dismissed and promptly returned without further processing.

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: \_\_\_\_\_

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