

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

In the Matter of:

UAW, LOCAL 2071,
Labor Organization- Respondent,

Case No. CU10 C-009

- and -

MARY E. KEYES,
An Individual Charging Party.

APPEARANCES:

Ava Barbour, Associate General Counsel, for the Respondent

Mary E. Keyes, *In Propria Persona*

DECISION AND ORDER

On February 16, 2011, Administrative Law Judge Doyle O'Connor issued a Decision and Recommended Order 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

Christine A. Dardarian, Commission Chair

Nino E. Green, Commission Member

Eugene Lumberg, Commission Member

Dated: _____

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

In the Matter of:

UAW LOCAL 2071,
Respondent-Labor Organization,

Case No. CU10 C-009

-and-

MARY E. KEYES,
An Individual Charging Party.

APPEARANCES:

Mary E. Keyes, Charging Party, appearing on her own behalf

Ava Barbour, for Respondent UAW Local 2071

DECISION AND RECOMMENDED ORDER
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 assigned to Doyle O'Connor, Administrative Law Judge (ALJ) of the State Office of Administrative Hearings and Rules (SOAHR), on behalf of the Michigan Employment Relations Commission.

On March 10, 2010, Mary E. Keyes (Charging Party) filed a Charge against UAW Local 2071 (Union or Respondent). The Charge asserts that the Union failed to represent Keyes regarding her termination from employment with Wayne State University. The Charge asserts that the Union advised Keyes in October, 2009, that the Union had voted to not go to arbitration over her termination from employment with Wayne State University.

The Union filed a pretrial motion for summary disposition, to which Keyes filed a response. On September 9, 2010, the Union's motion was denied, as there were material disputes of fact. A notice of hearing was sent to both parties, setting the matter for trial on February 15, 2011, at 10:00 AM.

On February 15, 2011, the Union timely appeared through counsel, with its witnesses, prepared to present its proofs. Charging Party did not appear. At approximately 10:20 AM, the Union moved for dismissal of Charging Party's claims, for failure to prosecute. A failure to appear for trial is, under Commission Rule 423.165 (2)(g), grounds for dismissal.

RECOMMENDED ORDER

The Charge is dismissed in its entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Doyle O'Connor
Administrative Law Judge
State Office of Administrative Hearings and Rules

Dated: February 16, 2011