

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

In the Matter of:

MICHIGAN STATE UNIVERSITY ADMINISTRATIVE-
PROFESSIONAL ASSOCIATION, MEA/NEA,
Labor Organization-Respondent

Case No. CU10 I-040

-and-

DANNY LAYNE,
An Individual-Charging Party.

APPEARANCES:

White, Schneider, Young & Chiodini P.C., by Michael Shoudy, for the Labor Organization

Danny Layne, *In Propria Persona*

**DECISION AND ORDER DENYING
MOTION FOR RECONSIDERATION**

On September 16, 2011, this Commission issued a Decision and Order in the above-entitled matter, finding that the charge filed against Respondent Union failed to state a claim for which relief could be granted under the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.201- 423.217. We also rejected Charging Party's claim alleging improper ex-parte communications between the Administrative Law Judge and Respondent as being unsupported by the record. Accordingly, we affirmed the ALJ's recommendation for summary dismissal of the unfair labor practice charge against Respondent.

On October 5, 2011, Charging Party filed a "Motion to Set Aside, Completely Vacate and Dismiss MERC's September 16, 2011 Order" that we shall review as his motion for reconsideration of our earlier ruling. The Union responded to the motion on October 11, 2011. On October 14, 2011, Charging Party filed a "Request for Legally Mandated Evidentiary Hearing Regarding Summary Disposition" which is not recognized under the General Rules of the Michigan Employment Relations Commission, 2002 AACRS, R 423. 102 – R 423.194. On October 19, 2011 and October 21, 2011, he untimely filed separate memoranda in support of his post decision requests. We note, however, that Layne's motion and pleadings filed after October

5th will not be considered in this decision. Finally, on October 20, 2011, the Union filed a response to Layne's October 14, 2011 pleading, which also will not be considered here.

Rule 167 of the Commission's General Rules, R423.167, 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 set forth numerous assertions in support of his request for reconsideration. However, he essentially restates arguments already proffered 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 September 16, 2011. As such, Charging Party has not properly set forth grounds for reconsideration of our prior ruling. See *Michigan State Univ Admin-Prof'l Ass'n, MEA/NEA*, 23 MPER 80 (2010); *City of Detroit Water and Sewerage Dep't*, 23 MPER 37 (2010); *Michigan State Univ*, 22 MPER 30 (2009).

Accordingly, we issue the following order:

ORDER

Charging Party's motions are denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Edward D. Callaghan, Commission Chair

Nino E. Green, Commission Member

Christine Derdarian, Commission Member

Dated: _____