

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

In the Matter of:

MSU ADMINISTRATIVE-PROFESSIONAL ASSOCIATION,
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 Respondent

Danny Layne, *In Propria Persona*

DECISION AND ORDER DENYING MOTIONS

On September 16, 2011, this Commission issued its Decision and Order in the above-entitled matter, finding that the charge filed against Respondent failed to state a cognizable claim under the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.201-423.217. Layne had alleged that Respondent breached its duty of fair representation owed to him by not advancing to arbitration a grievance that pertained to his layoff in 2010. We found that the unfair labor practice charge filed on September 16, 2010 and subsequent pleadings failed to support a claim of improper representation by Respondent. We also rejected Layne's other assertions which included a claim of an improper ex parte communication when a member of the ALJ's office staff provided Respondent's secretary with the agency assigned case number and judge's name. Accordingly, we affirmed the ALJ's recommendation for summary dismissal of the unfair labor practice charge.

On October 5, 2011, Charging Party filed a motion that we considered¹ and denied as a motion for reconsideration. Specifically, we did so because 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.

¹ Charging Party filed three other pleadings between October 14 - 21, 2011 that were not considered in our review of his reconsideration request as these filings were untimely and not recognized within MERC's General Rules.

On November 30, 2011 and December 29, 2011, Charging Party filed new motions seeking summary disposition and relief granted in his favor predicated on arguments similar to those already raised in his earlier pleadings. We also note that the claims in these latest filings are time-barred pursuant to section 16 of PERA and the Commission's General Rules. We further admonish Charging Party that no additional remedies exist within PERA or any other statute within our jurisdiction on his claims against Respondent. Any future filings by Charging Party relating to his representation by the MSU Administrative-Professional Association that concluded in 2010 will be administratively dismissed without further processing. *Michigan State Univ Admin-Prof'l Assn*, MEA/NEA, 23 MPER 103 (2010).

Accordingly, we issue the following order:

ORDER

Charging Party's motions are denied in their entirety.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

Edward D. Callaghan, Commission Chair

Nino E. Green, Commission Member

Christine Derdarian, Commission Member

Dated: _____