

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

In the Matter of:

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, COUNCIL 25, LOCAL 2394,
Respondent-Labor Organization,

Case No. CU10 I-039

-and-

NEIL SWEAT,
An Individual Charging Party.

APPEARANCES:

Miller Cohen, P.L.C., by Richard G. Mack, Jr. and Jack Schulz, for the Labor Organization

Neil Sweat, appearing on his own behalf

**DECISION AND ORDER DENYING
MOTION FOR RECONSIDERATION**

On September 11, 2014, the Commission issued its Decision and Order in this matter, finding that Respondent did not violate § 10 of the Public Employment Relations Act (PERA), 1965 PA 379 as amended, MCL 423.210, in its handling of grievances related to Charging Party's termination from employment. Accordingly, we dismissed the unfair labor practice charge.

Charging Party filed a Motion for Reconsideration of our Decision and Order on September 30, 2014, together with a list of 50 statements that he claims constitute "material errors of facts in the factual summary" and "material errors of facts and law in the discussions and conclusions of law" section of our Decision and Order.

Motions for Reconsideration are governed by Rule 167 of the Commission's General Rules, 2002 AACS, R 423.167, which 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)

In his Motion for Reconsideration, Charging Party essentially restates the same arguments presented in his exceptions to the ALJ's Decision and Recommended Order. Those arguments were carefully considered, discussed, and found to be without merit in our September 11, 2014 Decision and Order. Therefore, Charging Party has not set forth grounds for reconsideration. See *City of Detroit Water & Sewerage Dep't*, 1997 MERC Lab Op 453, in which the Commission denied the charging party's motion for reconsideration where the charging party restated the same arguments presented in the exceptions.

ORDER

The motion for reconsideration is denied.

MICHIGAN EMPLOYMENT RELATIONS COMMISSION

/s/
Edward D. Callaghan, Commission Chair

/s/
Robert S. LaBrant, Commission Member

/s/
Natalie P. Yaw, Commission Member

Dated: November 14, 2014