

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

JEFF L. SANDAINE,

Complainant,

vs.

WASHINGTON STATE INDIVIDUAL
PROVIDERS,

Respondent.

CASE 132842-U-20

DECISION 13226-A - PECB

CORRECTED DECISION OF
COMMISSION

Jeff L. Sandaine, the complainant.

Kate G. Schiewetz, Assistant Attorney General, Robert W. Ferguson Attorney General for the Washington State Individual Providers.

On June 18, 2020, Jeff Sandaine (complainant) filed an unfair labor practice complaint against the Washington State Individual Providers (employer). The complainant filed amended complaints on June 19, and July 6, 2020. An Unfair Labor Practice Administrator issued a deficiency notice on July 23, 2020. The complainant filed an amended complaint on August 6, 2020. After reviewing the filings, the Unfair Labor Practice Administrator dismissed the complaint on August 25, 2020. *Washington State Individual Providers*, Decision 13226 (PECB, 2020).

On September 14, 2020, the complainant filed a timely appeal. The complainant's notice of appeal included arguments as to why a cause of action should be found. The complainant did not file an appeal brief. On October 12, 2020, the employer filed a response brief.

ISSUES

The only issue this appeal presents is whether the complaint states a cause of action, or in other words, whether the complainant has alleged sufficient facts to proceed to hearing.

ANALYSISApplicable Legal Standard*Standard of Review*

In unfair labor practice proceedings, the ultimate burdens of pleading, prosecution, and proof lie with the complainant. *State – Office of the Governor*, Decision 10948-A (PSRA, 2011) (citing *City of Seattle*, Decision 8313-B (PECB, 2004)). An unfair labor practice complaint is reviewed under WAC 391-45-110 to determine whether the facts, as alleged, state a cause of action. All facts are assumed true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004).

CONCLUSION


We have reviewed the complaint, amended complaints, notice of appeal, and briefing. We agree with the Unfair Labor Practice Administrator, the complaints do not state a cause of action. We affirm the Unfair Labor Practice Administrator.

ORDER

The Order of Dismissal issued by Unfair Labor Practice Administrator Dario de la Rosa is AFFIRMED.

ISSUED at Olympia, Washington, this 24th day of November, 2020.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARILYN GLENN SAYAN, Chairperson



MARK BUSTO, Commissioner



KENNETH J. PEDERSEN, Commissioner



RECORD OF SERVICE

ISSUED ON 11/24/2020

CORRECTED DECISION 13226-A - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: AMY RIGGS

CASE 132842-U-20

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