

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

ANJELITA LONGORIA FORNARA,  Complainant,  vs.  WASHINGTON STATE DEPARTMENT OF CHILDREN, YOUTH, AND FAMILIES,  Respondent.	CASES 139115-U-24 and 139363-U-24  DECISION 14053 - PSRA  DECISION OF COMMISSION
ANJELITA LONGORIA FORNARA,  Complainant,  vs.  WASHINGTON FEDERATION OF STATE EMPLOYEES,  Respondent.	CASES 139114-U-24 and 139362-U-24  DECISION 14054 - PSRA  DECISION OF COMMISSION

*Anjelita Longoria Fornara*, the complainant.

*Edward Earl Younglove III*, Attorney at Law, Younglove Coker & Rhodes, P.L.L.C., for the Washington Federation of State Employees.

*Cheryl L. Wolfe*, Senior Counsel, and *Jessica M. Erickson*, Assistant Attorney General, Attorney General Nicholas W. Brown, for the Washington State Department of Children, Youth, and Families.

SUMMARY OF DECISIONS

The Commission upholds the Unfair Labor Practice Administrator's decisions dismissing the unfair labor practice complaints filed by Anjelita Longoria Fornara.<sup>1</sup>

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<sup>1</sup> Many of the cases filed by Fornara and the related decisions are tied together because of other motions. We are giving these cases new decision numbers for clarity.

ANALYSIS

On June 10, 2024, Fornara filed an unfair labor practice complaint against the Washington Federation of State Employees (WFSE) and the Washington State Department of Children, Youth, and Families (DCYF).<sup>2</sup> On July 16, 2024, Fornara filed a second unfair labor practice complaint against the WFSE and the DCYF.<sup>3</sup> On July 23, 2024, an Unfair Labor Practice Administrator issued a combined deficiency notice. In the deficiency notice, the Unfair Labor Practice Administrator explained that the facts alleged had already been adjudicated or were currently being adjudicated by the agency. On August 13, 2024, Fornara amended her unfair labor practice complaints and asserted that previous agency decisions were wrongly decided. The Unfair Labor Practice Administrator dismissed the complaints for failure to state a cause of action and concluded that the complaints did not contain new allegations occurring within the statute of limitations. *Washington State Department of Children, Youth, and Families (Washington Federation of State Employees)*, Decision 13876-B (PSRA, 2024). In response, Fornara filed this timely notice of appeal. Specifically, the unfair labor practice complaints alleging that the DCYF and the WFSE discriminated against Fornara are currently awaiting hearing before Examiners.

In deciding whether complaints dismissed at the preliminary review stage state a cause of action, the Commission is in the same position as the Unfair Labor Practice Administrator. *Port of Everett*, Decision 12641-A (PORT, 2017). An unfair labor practice complaint is reviewed under WAC 391-45-110 to determine whether the facts, as alleged, state a cause of action as outlined in chapter 41.80 RCW. At the preliminary review stage, all facts alleged are assumed true and provable. *Whatcom County*, Decision 8245-A (PECB, 2004).

When a complainant files an unfair labor practice complaint alleging facts that have been alleged in a previous unfair labor practice complaint, the Commission will not find a new cause of action based on facts that have been litigated before or are currently pending before the

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<sup>2</sup> Case 139114-U-24 was docketed as a case against the WFSE. Case 139115-U-24 was docketed as a case against the DCYF.

<sup>3</sup> Case 139362-U-24 was docketed as a case against the WFSE. Case 139363-U-24 was docketed as a case against the DCYF.

agency. Having reviewed the complaints and the Unfair Labor Practice Administrator’s decision, we agree that the amended complaints did not identify any new facts that state a cause of action. We affirm the Unfair Labor Practice Administrator's decision.

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 February, 2025.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

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MARK LYON, Chairperson

Handwritten signature of Elizabeth Ford in black ink, written in a cursive style.

ELIZABETH FORD, Commissioner

Handwritten signature of Henry E. Farber in black ink, written in a cursive style.

HENRY E. FARBER, Commissioner

This order will be the final order of the agency unless a notice of appeal is filed under RCW 34.05.542.