

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

GEORGE B. GREENWOOD,

Complainant,

v.

DISTRICT NO. 1, MARINE
ENGINEERS' BENEFICIAL
ASSOCIATION,

Respondent.

MEC CASE NO. 32-05

DECISION NO. 439 – MEC

ORDER OF DISMISSAL

George Greenwood, appearing for George Greenwood.

Reid, Pedersen, McCarthy and Ballew, by *Michael McCarthy*, Attorney, appearing for District No. 1, Marine Engineers' Beneficial Association.

ON JANUARY 18, 2005, COMPLAINANT GEORGE B. GREENWOOD filed a complaint alleging that the Marine Engineers' Beneficial Association (MEBA) committed an unfair labor practice by having entered into a settlement agreement in MEC Case No. 50-04. Pursuant to WAC 316-45-110, the Commission reviewed the complaint and concluded Complainant's "statement of facts is not sufficient to allow the Commission to determine whether it meets the required threshold for a complaint." Accordingly, Complainant was given opportunity to amend his original complaint.

On February 15, 2005, Complainant submitted an additional letter concluding, "my grievance was handled in an arbitrary and capricious way" but offering no additional factual allegations. As a matter of law, the allegation that a union entered into a settlement agreement with which a grievant does not agree, without more, does not constitute a violation of RCW 47.64.130.

ORDER

MEC Case No. 32-05 is hereby dismissed.

NOTICE REGARDING REQUEST FOR REVIEW

Pursuant to WAC 316-02-620, this order is a denial of adjudicative proceeding. The Complainant (Greenwood) may file a Request for Review with the Marine Employees' Commission within 30 days of his receipt of this Order. If no Request for Review is filed within that time period, this Order shall become final and binding in accordance with RCW 47.64.280.

If no Request for Review is filed, the Marine Employees' Commission will issue a second Order, which will state that this Order has become final and binding in accordance with RCW 47.64.280. That second Order will start the period running for any appeal to the Washington State Superior Court pursuant to RCW 34.05.542 and 34.05.514. Under those statutes, the Complainant (Greenwood) has thirty days from the date of the second Order to pursue an appeal in Thurston County Superior Court or the Court of his residence. (Respondent union should note that RCW 47.64.250 may be applied to limit its appeal rights to a period of no more than ten days from the second order and to limit the venue of any such union appeal to Thurston County Superior Court.)

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If a Request for Review is filed, the appeal period would run from the date of the issuance of a specific response to such Request.

DATED this 8th day of March 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner