

STATE OF WASHINGTON
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

DONALD DOWNING,)	MEC CASE NO. 2-83
)	
Grievant,)	PERC CASE NO. 4548-A-83-382
)	
vs.)	
)	
WASHINGTON STATE FERRIES,)	DECISION NO. 4-A - MEC
)	
Respondent.)	MOTION FOR RECONSIDERATION
)	
_____)	

FINDINGS OF FACT

Decision No. 4-MEC, dated June 29, 1984 and served on the parties on July 2, 1984, dismissed the grievance of Donald Downing against Washington State Ferries because the grievant failed to utilize the grievance procedures set out in Rule 15.02 of the agreement between the Inlandboatmen's Union of the Pacific and Washington State Ferries.

On July 9, 1984 the grievant asked by letter for reconsideration of Decision No. 4-MEC, acknowledging that he had not shown use of such grievance procedures in the hearing, but indicating that they may have been used. The Commission reviewed the hearing transcript and determined that it was possible that a misunderstanding may have occurred at the hearing.

The Commission decided first to accept grievant's letter as a Motion for Reconsideration, and second to schedule the earliest practicable procedural hearing on the motion in order to re-assume jurisdiction before grievant's right of judicial review elapsed if reconsideration should appear proper. A special hearing was scheduled for 11:00 a.m, July 27, 1984. All parties were so notified.

The grievant failed to appear and/or to show good cause for his failure to appear.

CONCLUSIONS OF LAW

WAC 316-65-535 states in part, "...except for good cause shown, the failure of a party to appear shall constitute grounds for dismissal of its claim or granting relief against it, as may be appropriate."

ORDER

The Motion for Reconsideration of Decision No. 4-MEC filed by Donald Downing is hereby denied.

DATED at Seattle, Washington, this 10th day of August, 1984.

MARINE EMPLOYEES' COMMISSION

/s/ DAVID P. HAWORTH, Chairman

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner