

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

KING COUNTY,	)	
	)	
Employer.	)	
_____	)	
MICHEAL R. JONES,	)	
	)	
Complainant,	)	CASE 12040-U-95-2830
	)	
vs.	)	DECISION 5739-A - PECB
	)	
AMALGAMATED TRANSIT UNION,	)	
LOCAL 587,	)	
Respondent.	)	ORDER VACATING DISMISSAL
_____	)	

The complaint charging unfair labor practices filed in the above-captioned matter was set for hearing to be held on October 29, 30, and 31, 1996. At the time and place of hearing, the Examiner and respondent appeared, but neither the complainant nor any individual claiming to be his representative presented themselves. The respondent thereupon moved for dismissal, and the motion was granted by the Examiner. An order of dismissal was issued by the Examiner on November 4, 1996.

On November 7, 1996, the complainant filed a request for withdrawal and/or modification of the dismissal order, and served that request on the respondent. On November 13, 1996, counsel for the respondent made a telephone request to the Examiner that the respondent be allowed to respond to the complainant's request.

WAC 391-45-330 provides:

**Withdrawal or modification of examiner decision.** On the examiner's own motion or on the motion of any party, the examiner may set

aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within ten days following the issuance thereof, if any mistake is discovered therein: Provided, however, That this section shall be inoperative after the filing of a petition for review with the commission.

Given the complainant's request for withdrawal or modification of the examiner's order, and the union's request to respond, the order of dismissal will be vacated in order to allow the Examiner time to consider the arguments of the parties on the issue.

NOW, THEREFORE, it is

ORDERED

The order of dismissal issued on November 4, 1996, as Decision 5739 - PECB is hereby VACATED.

DATED at Olympia, Washington, this 14th day of November, 1996.

PUBLIC EMPLOYMENT RELATIONS COMMISSION



MARTHA M. NICOLOFF, Examiner