

*University of Washington*, Decision 10490-A (PSRA, 2010)

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

WASHINGTON FEDERATION OF  
STATE EMPLOYEES,

Complainant,

vs.

UNIVERSITY OF WASHINGTON,

Respondent.

CASE 21681-U-08-5529

DECISION 10490-A - PSRA

ORDER REMANDING CASE

In *Griffin School District*, Decision 10489-A (PECB, June 18, 2010), this Commission admonished Examiner Katrina I. Boedecker for issuing a decision which included significant portions of rationale and text that were copied verbatim from a party's post-hearing brief. Although the Commission declined to reverse or vacate the decision on appeal because the hearing was conducted properly, this Commission strongly discouraged such conduct, and warned that should the practice be repeated in the future, this Commission would take further action.

Unfortunately, a careful review and comparison of *University of Washington*, Decision 10490 (PSRA, 2009), and the briefs submitted by the parties demonstrate that a substantial portion of the rationale and text of the decision was copied verbatim from the employer's post-hearing brief. This Commission recognizes that Examiner Boedecker's *University of Washington* opinion was issued prior to the *Griffin School District* opinion; however, this does not excuse what is otherwise an unacceptable practice. This Commission cannot overlook Examiner Boedecker's conduct.

An examiner who adopts and copies wholesale portions of a party's factual statements or legal reasoning gives the impression that he or she failed to undertake an impartial, independent

analysis of the case's factual and legal circumstances. See *Dish Network Service Corp.*, 345 NLRB 1071 (2005), citing *Indianapolis Glove, Co.*, 88 NLRB 986 (1950). Even in situations where an examiner agrees with the facts or legal analysis of a party, the examiner is required to independently assess the facts presented and apply the law in her or his own words. In doing so, the examiner avoids even the appearance of being partisan.

Upon review of the record in this case, we find that Examiner Boedecker conducted a proper hearing. However, in order to protect the impartiality and integrity of this agency, we vacate her decision and remand the case to the Executive Director for reassignment to a new examiner who shall issue a new decision based solely upon the existing record. The Executive Director shall instruct the newly assigned examiner to disregard Examiner Boedecker's decision and to issue his or her decision in an expedited manner.

NOW, THEREFORE, it is

ORDERED

The entirety of *University of Washington*, Decision 10490 (PSRA, 2009), is VACATED, and the above captioned case is REMANDED to the Executive Director for further processing consistent with the instructions provided within this decision.

ISSUED at Olympia, Washington, this 30<sup>th</sup> day of June, 2010.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

  
MARILYN GLENN SAYAN, Chairperson

  
PAMELA G. BRADBURN, Commissioner

  
THOMAS W. McLANE, Commissioner