

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

GERARDO VILLA, Complainant, vs. CITY OF MABTON, Respondent.	CASE 134771-U-22 DECISION 13495 - PECB ORDER OF DISMISSAL
GERARDO VILLA, Complainant, vs. TEAMSTERS LOCAL 760, Respondent.	CASE 134772-U-22 DECISION 13496 - PECB ORDER OF DISMISSAL

Gerardo Villa, the complainant.

Rachel Ruelas, Mayor, for the City of Mabton.

Leonard Crouch, Secretary-Treasurer, for Teamsters Local 760.

On January 20, 2022, Gerardo Villa filed an unfair labor practice complaint against the City of Mabton (employer) and Teamsters Local 760 (union). The cases were consolidated. The complaints were reviewed under WAC 391-45-110.¹ A deficiency notice issued on February 10, 2022, notified Villa that a cause of action could not be found at that time. Villa was

¹ At this stage of the proceedings, all of the facts alleged in the complaint or amended complaint are assumed to be true and provable. The question at hand is whether, as a matter of law, the complaint states a claim for relief available through unfair labor practice proceedings before the Public Employment Relations Commission.

given a period of 21 days in which to file and serve an amended complaint or face dismissal of the case.

No further information has been filed by Villa. The Unfair Labor Practice Administrator dismisses the complaint for timeliness and failure to state a cause of action.

ISSUE

There were no alleged violations included in the complaint.

The complaint only included the complaint form and did not include a statement of facts with alleged violations. Thus, the complaint must be dismissed.

BACKGROUND

On January 20, 2022, Villa filed an unfair labor practice complaint form. The form indicated that the complaint was being filed against both the employer and union. There was no statement of facts included with the complaint filing.

ANALYSIS

Statement of Facts Must Be Included with Filing

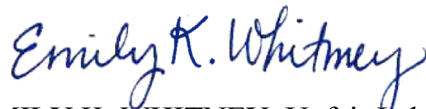
Complaints must contain a statement of facts with numbered paragraphs. The statement of facts should include the times, dates, places, and participants in occurrences. WAC 391-45-050. Villa only included the complaint form in the filing. There was no statement of facts included in the filing. The deficiency notice notified Villa that a statement of facts must be submitted to determine if the case was timely or stated a cause of action. Villa did not submit an amended complaint. Because the complaint lacked a statement of facts, the complaint must be dismissed.

ORDER

The complaints charging unfair labor practices in the above-captioned matters are DISMISSED for timeliness and failure to state a cause of action.

ISSUED at Olympia, Washington, this 31st day of March, 2022.

PUBLIC EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in blue ink that reads "Emily K. Whitney". The signature is written in a cursive style.

EMILY K. WHITNEY, Unfair Labor Practice Administrator

This order will be the final order of the agency unless a notice of appeal is filed with the Commission under WAC 391-45-350.



RECORD OF SERVICE

ISSUED ON 03/31/2022

DECISION 13495 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: TERRI IVERSON

CASE 134771-U-22

EMPLOYER: CITY OF MABTON

REP BY: RACHEL RUELAS
CITY OF MABTON
PO BOX 655
MABTON, WA 98935
rachel.ruelas@co.yakima.wa.us

PARTY 2: GERARDO VILLA

REP BY: GERARDO VILLA
221 7TH AVE
PO BOX 82
MABTON, WA 98935
villagerardo29@yahoo.com



RECORD OF SERVICE

ISSUED ON 03/31/2022

DECISION 13496 - PECB has been served by mail and electronically by the Public Employment Relations Commission to the parties and their representatives listed below.

BY: TERRI IVERSON

CASE 134772-U-22

EMPLOYER: CITY OF MABTON

REP BY: RACHEL RUELAS
CITY OF MABTON
PO BOX 655
MABTON, WA 98935
rachel.ruelas@co.yakima.wa.us

PARTY 2: GERARDO VILLA

REP BY: GERARDO VILLA
221 7TH AVE PO BOX 82
MABTON, WA 98935
villagerardo29@yahoo.com

PARTY 3: TEAMSTERS LOCAL 760

REP BY: LEONARD CROUCH
TEAMSTERS LOCAL 760
1211 W LINCOLN AVE
YAKIMA, WA 98902-2535
leonard@teamsters760.org