

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
JOHN MILLER,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC Case No. 36-02

DECISION NO. 331 - MEC

ORDER DISMISSING
ADJUSTED GRIEVANCE

Schwerin, Campbell and Barnard, Attorneys, by *Dmitri Iglitzin*, appearing for and on behalf of the Inlandboatmen's Union of the Pacific and John Miller.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, appearing for and on behalf of Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 10, 2002, when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration on behalf of John Miller. In its grievance arbitration request, IBU asserted that WSF terminated Mr. Miller, without just cause, due to a medical problem. In addition, IBU maintained that this matter was a "deemed to be granted" grievance under the IBU/WSF contract.

IBU certified that the grievance procedures in the pertinent IBU/WSF Collective Bargaining Agreement had been utilized and exhausted. In addition, the union certified that the arbitrator's decision shall not change or amend the terms, conditions or application of said collective bargaining agreement and that the arbitrator's award shall be final and binding.

The request for grievance arbitration was docketed as MEC Case No. 36-02. Commissioner John Byrne was assigned to act as Mediator at a settlement conference scheduled for May 28, 2002. Commissioner John Sullivan was designated to act as Arbitrator at the hearing on June 27, 2002.

The parties did not reach an agreement during the settlement conference on May 28, 2002. Arbitrator Sullivan convened the hearing on June 27; it did not conclude and was continued to July 16, 2002.

On July 12, 2002, Robert Lavitt, counsel for IBU, requested a continuance of the July 16 hearing date. Arbitrator Sullivan granted the continuance. (IBU counsel was to propose a date for rescheduling after coordinating with WSF counsel.)

On July 31, 2002, Dennis Conklin, IBU, withdrew the grievance.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the Inlandboatmen's Union of the Pacific on behalf of John Miller and docketed as MEC Case No. 36-02, be dismissed.

DATED this ____ day of August 2002.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman

JOHN SULLIVAN, Commissioner

JOHN BYRNE, Commissioner