

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION
OF THE PACIFIC on behalf of
DONNA FULTON,

Grievant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 42-05

DECISION NO. 452 - MEC

ORDER CLOSING
GRIEVANCE

Schwerin, Campbell and Barnard, by *Judith Krebs*, Attorney, appearing for the Inlandboatmen's Union of the Pacific and Donna Fulton.

Rob McKenna, Attorney General, by *David Slown*, Assistant Attorney General, appearing for Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 4, 2005 when the Inlandboatmen's Union of the Pacific (IBU) filed a request for grievance arbitration. In its grievance arbitration request, IBU alleged that on March 22, 2005, Washington State Ferries (WSF) terminated Donna Fulton in violation of the return-to-work agreement reached in MEC Case 23-05.

The request for grievance arbitration was docketed as MEC Case No. 42-05. The parties participated in a settlement conference on April 12, 2005 with Commissioner John Sullivan serving as Mediator, but were unable to resolve the issue. Chairman John Swanson was designated as Arbitrator and a hearing set for June 14 and 15, 2005.

On June 13, 2005, IBU notified the MEC that it had been unable to reach the grievant and requested the hearing be postponed. WSF Counsel David Slown did not object; the MEC cancelled the June 14 and 15 hearing dates.

IBU sent a certified letter to the grievant asking her to contact the union by June 23, 2005. By letter on July 8, 2005, IBU Business Agent Jay Ubelhart withdrew the grievance, noting that the grievant signed for IBU's certified letter, but failed to contact the IBU.

ORDER

It is hereby ordered that the request for grievance arbitration, filed by the IBU and docketed as MEC Case No. 42-05, be closed in acknowledgment of the IBU's withdrawal.

DATED this 25th day of July 2005.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner