

STATE OF WASHINGTON

BEFORE THE MARINE EMPLOYEES' COMMISSION

MARINE ENGINEERS BENEFICIAL)	MEC Case No. 10-91
ASSOCIATION/DISTRICT 1 PACIFIC)	
COAST DISTRICT on behalf of)	
Floyd Evans,)	
)	
Grievant,)	DECISION NO. 78 - MEC
)	
v.)	ORDER OF DISMISSAL
)	
WASHINGTON STATE FERRIES,)	
)	
Respondent.)	
_____)	

Mark Austin, Branch Agent, District No. 1 Pacific Coast District, Marine Engineers Beneficial Association, appearing for and on behalf of Floyd Evans.

Webster, Mrak & Blumberg, attorneys, by James Webster, appearing for and on behalf of District No. 1 Pacific Coast District, Marine Engineers Beneficial Association; later appearing for and on behalf of District No. 1, Marine Engineers Beneficial Association/National Maritime Union.

Christine Gregoire, Attorney General, by Jeffrey Stier, Assistant Attorney General, appearing for and on behalf of the Washington State Ferries.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on November 22, 1991 when District No. 1 PCD, Marine Engineers Beneficial Association (Dist. #1 PCD/MEBA) filed a request for grievance arbitration against Washington State Ferries (WSF) on behalf of Floyd Evans.

Dist. #1 PDC/MEBA's request for grievance arbitration alleged that following Floyd Evans assignment on April 16, 1991 to the M/V Kaleetan, while the vessel was in a repair yard,

WSF denied Mr. Evans travel time and mileage in violation of Rule 10.4.02 and Rule 10.4.06(a) of the Unlicensed Engineerroom Employees' Agreement.

Pursuant to WAC 316-65-070, Commissioner Donald E. Kokjer was assigned to act as arbitrator. A hearing was scheduled for February 5, 1992. On January 28, 1992, Mark Austin, Dist. #1 PCD/MEBA, notified the Commission that the matter had been resolved, and withdrew the request for grievance arbitration. The scheduled hearing was canceled.

Before a dismissal was drafted, James Webster, as counsel for District No. 1, Marine Engineers Beneficial Association/National Maritime Union (Dist. #1 MEBA/NMU) and for the trustee of its Licensed Division, notified MEC that MEBA was under a trusteeship, and asked that a decision on the letter of withdrawal be deferred, indicating that it was questionable by whose authority the grievance could be withdrawn. Arbitrator Kokjer deferred the decision to April 24, 1992, and later extended the deferral until resolution and clarification of the schism occurring in MEBA, pursuant to MEC Case No. 7-92.

Assistant Attorney General, Jeffrey Stier, filed a Motion to Dismiss on October 6, 1992; the motion was denied.

On August 31, 1993, MEC Case No. 7-92 was dismissed (MEC Decision No. 99). MEC hereby interprets the Interim Agreement for Settlement of Disputes between District No. 1, MEBA/NMU and District No. 1 – PCD, MEBA, Section 2(f) as granting District No. 1-MEBA (previously District No. 1 – PCD, MEBA) authority to request dismissal of this matter. Therefore, MEC should recognize Branch Agent Austin's withdrawal of this arbitration request.

It is ordered that Marine Engineers Beneficial Association/District No. 1 Pacific Coast District's request for grievance arbitration, filed November 22, 1991, against the Washington State Ferries on behalf of Floyd Evans be dismissed.

DONE this 24th day of September 1993.

MARINE EMPLOYEES' COMMISSION

/s/ DONALD E. KOKJER, Commissioner

/s/ LOUIS O. STEWART, Commissioner