

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

LANCE MUSSELMAN,

Complainant,

v.

WASHINGTON STATE FERRIES and
DISTRICT NO. 1, MARINE ENGINEERS'
BENEFICIAL ASSOCIATION,

Respondents.

MEC CASE NO. 42-03

DECISION NO. 371- MEC

MEC CHAIRMAN'S
ORDER OF DISMISSAL

Hart Law Offices, by Attorney *Shawn Hart*, appearing for Lance Musselman.

Christine Gregoire, Attorney General, by *David Slown*, Assistant Attorney General, for Washington State Ferries.

Mario Micomonaco, Union Representative, appearing for District No. 1, Marine Engineers' Beneficial Association.

THIS MATTER came on regularly before the Marine Employees' Commission (MEC) on April 22, 2003, when Attorney Shawn Hart filed an unfair labor practice complaint against the Washington State Ferries (WSF) and District No. 1, Marine Engineers' Beneficial Association (MEBA) on the behalf of Lance Musselman. The matter was docketed as MEC Case No. 42-03.

Lance Musselman charged WSF with interfering with, restraining or coercing employees in the exercise of rights; and dominating or interfering with formation or administration of employee organization. Complainant charged MEBA with restraining or coercing employees in the exercise of the rights guaranteed by RCW 47.64.130 and WAC 316-45-003.

On April 25, 2003, following initial review of the complaint, the Commission determined that the statement of facts included with the filing was not sufficient to determine whether the charges met the required threshold for a complaint, and so notified Counsel Hart.

The Commission has received no response to Chairman Nelson's April 25, 2003 letter regarding deficiencies in the filing. Pursuant to WAC 316-02-630(1), the MEC denies complainant's application for an adjudicative proceeding on the filed charges.

ORDER

It is hereby ordered that the unfair labor practice complaint, filed by Lance Musselman against WSF and District No. 1, MEBA and docketed as MEC Case No. 42-03, be dismissed.

NOTICE REGARDING REQUEST FOR REVIEW

Pursuant to WAC 316-02-620, this order is a denial of adjudicative proceeding. The complainant may file a Request for Review with the Marine Employees Commission within 30 days of receipt of this Order. If no Request for Review is filed within that time period, this Order shall become final and binding in accordance with RCW 47.64.280.

If no Request for Review is filed, the Marine Employees' Commission will issue a second Order, which will state that this Order has become final and binding in accordance with RCW 47.64.280. That second Order will start the period running for any appeal to the Washington State Superior Court, pursuant to RCW 34.05.542 and 34.05.514.

DATED this _____ day of May 2003.

MARINE EMPLOYEES' COMMISSION

JOHN NELSON, Chairman