

STATE OF WASHINGTON
BEFORE THE MARINE EMPLOYEES' COMMISSION

INLANDBOATMEN'S UNION OF
THE PACIFIC,

Complainant,

v.

WASHINGTON STATE FERRIES,

Respondent.

MEC CASE NO. 52-03
(renumbered on appeal as
Case No. 28-04)

DECISION NO. 392-A - MEC

ORDER VACATING DECISION
AND DISMISSING COMPLAINT

Schwerin, Campbell, Barnard and Iglitzin, by *Robert Lavitt*, Attorney, appearing for the Inlandboatmen's Union of the Pacific (IBU).

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

Decision 392-MEC of the Marine Employees' Commission became final on December 19, 2003. The case went on appeal to Superior Court and the Court of Appeals.

On November 2, 2005, the Court of Appeals reversed the Commission on the basis the Commission lacked jurisdiction and remanded the matter to the Commission with directions to dismiss the complaint (No. 32272-2-II). The Supreme Court denied review.

In accordance with the decision of the highest appellate court that considered the matter, Decision 392-MEC is vacated and the unfair labor practice complaint is dismissed with prejudice. (Case 52-03 was renumbered on appeal as Case 28-04.)

DATED this 23rd day of February 2007.

MARINE EMPLOYEES' COMMISSION

/s/ JOHN SWANSON, Chairman

/s/ JOHN SULLIVAN, Commissioner

/s/ ELIZABETH FORD, Commissioner