

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. UP-10-04

(UNFAIR LABOR PRACTICE)

INTERNATIONAL LONGSHORE)
WORKERS UNION LOCAL 28)
AND DAVID J. VALE,)

Complainant,)

v.)

PORT OF PORTLAND,)

Respondent.)
_____)

DISMISSAL ORDER

Thomas K. Doyle, Attorney at Law, Bennett, Hartman, Morris & Kaplan, 111 S.W. 5th Avenue, Suite 1650, Portland, Oregon 97204, represented Complainant.

Howard Rubin, Attorney at Law, Amburgey & Rubin, 1750 S.W. Harbor Way, Suite 450, Portland, Oregon 97201, represented Respondent.

On February 26, 2004, the International Longshore Workers Union Local 28 (Union) and David Vale filed this unfair labor practice complaint against the Port of Portland (Port) alleging that the Port violated ORS 243.672(1)(a), (b), (c), and (e) by allegedly retaliating against Vale for his involvement in certain Union activities.

On February 27, 2004, the Administrative Law Judge (ALJ) served the complaint on the Port and requested an informal response. The Port responded on March 29, 2004.

By letter dated April 13, 2004, the ALJ posed several questions to the Union as part of the informal investigation. The Union did not respond. On July 28, 2004, the ALJ sent the Union a letter warning it that if it did not respond, the case would be dismissed. The Union responded on August 13, 2004, and asked that the case be held in abeyance pending arbitration. On September 30, 2004, the Union again requested that the case be held in abeyance.

On December 2, 2004, the ALJ asked the Union to update her on the status of the case by December 15, 2004. The Union did not respond. By letter dated April 8, 2005, the ALJ warned the Union that if it did not respond by April 22, 2005, she would dismiss the matter for want of prosecution. The Union did not respond.

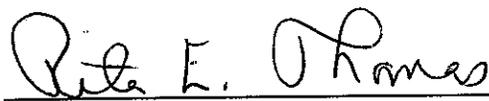
ORDER

The complaint is dismissed for want of prosecution. *See McMinnville Firefighters Association v. City of McMinnville*, Case No. UP-4-94, 15 PECBR 83 (1994).

DATED this 11th day of May 2005.



Paul B. Gamson, Chair



Rita E. Thomas, Board Member

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James W. Kasameyer, Board Member

*Member Kasameyer absent on the date of signing.

This Order may be appealed pursuant to ORS 183.482.