

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

EDWARD A. JOHNSON, JR.,)	
)	
Charging Party)	
)	<u>ULP No. 05-03-473</u>
v.)	
)	Order of Dismissal
JACKIE HERBERT, PRESIDENT, AMALGAMATED)	
TRANSIT CORPORATION, LOCAL 842,)	
)	
Respondent.)	

ORDER OF DISMISSAL

1. Edward A. Johnson, Jr., (“Johnson” or “Petitioner”) was a public employee of the Delaware Transit Corporation, within the meaning of 19 Del. C. Section 1302(o) of the Public Employment Relations Act.
2. At all times relevant to this Charge, Johnson was a member of Amalgamated Transit Union, Local 842 (“ATU”), which is the exclusive bargaining representative of the Fixed Route Drivers employed by DART/DTC, within the meaning of 19 Del.C. §1302(j).
3. Jackie Herbert (“Herbert”) was at all times relevant to this Charge the President of ATU Local 842 and was a designated representative of that employee organization within the meaning of 19 Del.C. §1302(i).

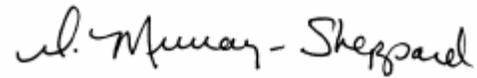
4. State of Delaware, Delaware Administration for Regional Transit/Delaware Transit Corporation¹ is a public employer within the meaning of 19 Del.C. Section 1302 (p), of the Public Employment Relations Act.
5. On March 2, 2005, Johnson filed an Unfair Labor Practice Charge with the Public Employment Relations Board (“PERB”). The charge alleged violations of 19 Del.C. Sections 1307(b)(1), (2), (3), and (b)(4) by Herbert and ATU.
6. On or about March 14, 2005, Herbert and the ATU filed its Answer to the Unfair Labor Practice Charge, denying all material allegations, and alleging New Matter.
7. On or about March 28, 2005, Johnson filed his Reply to New Matter.
8. On April 20, 2005, a Probable Cause Determination was issued finding there pleadings supported a potential violation of 19 Del.C. §1303(2) and §1307(b)(1) and (b)(3). The Probable Cause Determination also found that the complained of actions which occurred prior to September 9, 2004 were not timely filed.
9. On June 7, 2005, the parties met for an informal conference to define the issues raised by the charges and to identify whether there were factual disputes which required a hearing. A hearing was subsequently scheduled for June 28,2005.
10. By letter June 27, 2005,Charging Party Johnson requested to withdraw the charge, “without prejudice”.

WHEREFORE, this charge is hereby dismissed; however, because the complained of actions which were timely filed occurred on or about September 9, 2004, any subsequent

¹ The Delaware Authority for Regional Transit (“DART”) was created by the Delaware General Assembly in 1969 as a provider of public transit. In 1994 the General Assembly created the Delaware Transit Corporation (DTC) to oversee DART and the operation and management of the public transit system within Delaware.

charge which asserts these same allegations would not be timely filed. This charge is dismissed without any finding on the merits.

IT IS SO ORDERED.



Deborah L. Murray-Sheppard
Hearing Officer
Del. Public Employment Relations Board

DATED: 5 July 2005