

STATE OF DELAWARE

PUBLIC EMPLOYMENT RELATIONS BOARD

ARMOND D. WALDEN,)	
)	
Charging Party)	
)	<u>ULP No. 05-03-472</u>
v.)	
)	Order of Dismissal
WALI RUSHDAN, VICE PRESIDENT,)	
AMALGAMATED TRANSIT CORPORATION,)	
LOCAL 842,)	
)	
Respondent.)	

ORDER OF DISMISSAL

1. Armond D. Walden, (“Walden” or “Charging Party”) 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, Walden 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. Wali Rushdan, (“Rushdan” or “Respondent”) was at all times relevant to this Charge the Vice President of ATU Local 842 and was a designated representative of that employee organization within the meaning of 19 Del.C. §1302(i).

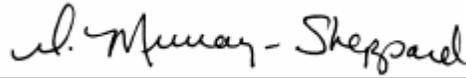
4. State of Delaware, Delaware Administration for Regional Transit/Delaware Transit Corporation¹ is a public employer within the meaning of 19 Del.C. Section 1302 (p), of the Public Employment Relations Act.
5. On March 2, 2005, Walden filed an Unfair Labor Practice Charge with the Public Employment Relations Board (“PERB”). The charge alleged violations of 19 Del.C. Sections 1303(2), (3) and (4) and Sections 1307(b)(1), (2), (3), and (4) by Rushdan and ATU.
6. On or about March 17, 2005, Rushdan and the ATU filed its Answer to the Unfair Labor Practice Charge, denying all material allegations, and alleging New Matter.
7. On or about April 1, 2005, Walden filed his Reply to New Matter.
8. On April 15, 2005, a Probable Cause Determination was issued finding the pleadings supported a potential violation of 19 Del.C. §1303(2) and (3) and/or (4); and/or §1307(b)(1) and/or (b)(3).
9. A hearing scheduled for June 8, 2005, was postponed to July 7, 2005, at the request of Charging Party, but without objection by the Union.
10. On or about June 27, 2005, Charging Party Walden requested to withdraw the charge, “without prejudice”.

WHEREFORE, this charge is hereby dismissed; however, because the complained of actions occurred between September 3, 2004, and December, 2004, any subsequent charge

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.

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: 7 July 2005