

**STATE OF ILLINOIS  
ILLINOIS LABOR RELATIONS BOARD  
LOCAL PANEL**

Olivia Cruse,	)	
	)	
Charging Party,	)	
	)	
and	)	Case No. L-CB-16-021
	)	
Amalgamated Transit Union, Local 308,	)	
	)	
Respondent.	)	

**DECISION AND ORDER OF THE ILLINOIS LABOR RELATIONS BOARD  
LOCAL PANEL**

On February 29, 2016, Executive Director Melissa Mlynski dismissed a charge filed by Charging Party Olivia Cruse (Charging Party) in the above-captioned case. In her charge, the Charging Party alleged that Respondent Amalgamated Transit Union, Local 308 (Respondent or Union) violated Section 10(b) of the Illinois Public Labor Relations Act, 5 ILCS 315/10(a) (2014). The Executive Director dismissed the charge finding the Charging Party had failed to raise an issue of fact or law warranting a hearing because Charging Party failed to respond to a written request by a Board agent to provide further information in support of her charge. On March 7, 2016, within the prescribed time for filing an appeal of the Executive Director's Dismissal Order, Charging Party filed her appeal challenging the Dismissal on the basis that the underlying request from the Board agent had been directed to the wrong apartment number at the building where she resides. Charging Party did not include a certification of service indicating that she had served the appeal on Respondent, as required by Board Rules 1200.135 and 1200.20.

On March 11, 2016, Cruse faxed to the Board further correspondence with the heading *Extension to My Appeal*, which Charging Party appears to submit in an attempt to respond to the Board agent's original request for further information. Also on March 11, 2016, at the direction of the General Counsel, another Board agent directed correspondence to Cruse at the corrected address, confirming the Board's receipt of her appeal but advising her that it appeared she had failed to serve Respondent's attorney. In the body of the letter, the Board agent identified Respondent's attorney by name, and provided her own telephone number with an invitation for Charging Party to contact the Board agent with any questions. In addition, the Board agent enclosed an affidavit of service form that included the case caption as well as a mailing address for Respondent's counsel. To date, Ms. Cruse has not returned a certificate of service or otherwise contacted the ILRB.

We recognize that the initial request from the Board agent for supplemental information was inadvertently directed to the wrong apartment number, and that this may have affected delivery of the correspondence to Charging Party, as she contends. However, the correspondence advising Charging Party of her obligations to demonstrate service on Respondent in accordance with Board Rules was addressed correctly. As Charging Party has failed to demonstrate that she served the appeal in accordance with Board Rules, we decline to entertain the appeal. Accordingly, Charging Party's appeal is stricken and we affirm the Executive Director's Dismissal.

BY THE ILLINOIS LABOR RELATIONS BOARD, LOCAL PANEL

/s/ Robert Gierut

Robert Gierut, Chairman

/s/ Charles Anderson

Charles Anderson

/s/ Richard Lewis

Richard Lewis

Decision made at the Local Panel's public meeting in Chicago, Illinois on April 12, 2016, written decision issued in Chicago, Illinois on May 3, 2016.

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LOCAL PANEL**

Olivia Cruse,

Charging Party

and

Amalgamated Transit Union, Local 308,

Respondent

Case No. L-CB-16-021

**DISMISSAL**

On November 20, 2015, Olivia Cruse (Charging Party) filed an unfair labor practice charge with the Local Panel of the Illinois Labor Relations Board (Board), in Case No. L-CB-16-021, alleging that the Amalgamated Transit Union, Local 308 (Respondent) violated Section 10(b) of the Illinois Public Labor Relations Act (Act), 5 ILCS 315 (2014), *as amended*. After an investigation conducted in accordance with Section 11 of the Act, I determined that the charge fails to raise an issue of law or fact sufficient to warrant a hearing and hereby issue this dismissal for the reasons stated below.

**I. INVESTIGATION**

The Respondent is a labor organization within the meaning of Section 3(i) of the Act and is the exclusive representative of a bargaining unit consisting of certain Chicago Transit Authority (CTA) employees. The Charging Party is a public employee within the meaning of Section 3(n) of the Act and is employed by the CTA in the title of Supervisor. Charging Party claims that she applied for the position of Rail Instructor in August of 2012 and was tested and

scheduled for an interview in September of 2012. However, towards the end of September, a list came out for a class for those selected to be Rail Instructors, and she was not on the list. Charging Party asserts those selected did not fit the employee eligibility and criteria for the position. Charging Party went to the Respondent and claims that Robert Kelly and Charlie Peacock, representatives of the Respondent, filed a grievance on her behalf. As of February 2015, Charging Party's grievance had not moved forward. She discovered that it had been sitting with Charlie Peacock. Charging Party believes that her grievance was purposely ignored because she had a prior disagreement with Peacock and Kelly. Eventually, the grievance did move forward, and on June 17, 2015, an arbitrator denied her grievance.

By letter dated December 31, 2015, the Board agent assigned to the case requested that Charging Party provide further information concerning her allegations. Charging Party had a date of January 14, 2016 to respond. To date, Charging Party has not filed a response.

## **II. DISCUSSION AND ANALYSIS**

Section 1220.40(a)(1) of the Illinois Labor Relations Board's Rules and Regulations, 80 Ill. Admin. Code, Sections 1200 through 1300, provides that "[t]he Charging Party shall submit to the Board or its agent all evidence relevant to or in support of the charge." This rule has been interpreted to allow the Executive Director to dismiss a case where a charging party has not complied with a request for evidence in support of a charge, or has not responded to a request for a written withdrawal. SEIU Local 880 (Kirk, et al.), 12 PERI ¶2006 (IL SLRB 1995), aff'd by unpub. order, 13 PERI ¶4008 (1996); State of Illinois, Department of Central Management Services (Department of Rehabilitation Services), 12 PERI ¶2005 (IL SLRB 1995), aff'd by unpub. order, 13 PERI ¶4008 (1996).

In the instant case, Charging Party has failed to provide any evidence responsive to the Board agent's inquiry into the matter. As the available evidence is not sufficient to raise a question for hearing, it is unnecessary for the Board to process this case further.

### **III. ORDER**

Accordingly, the instant charge is hereby dismissed. The Charging Party may appeal this dismissal to the Board any time within 10 calendar days of service hereof. Such appeal must be in writing, contain the case caption and numbers and must be addressed to the General Counsel of the Illinois Labor Relations Board, 160 North LaSalle Street, Suite S-400, Chicago, Illinois, 60601-3103. The appeal must contain detailed reasons in support thereof, and the Charging Party must provide it to all other persons or organizations involved in this case at the same time it is served on the Board. The appeal sent to the Board must contain a statement listing the other parties to the case and verifying that the appeal has been provided to them. The appeal will not be considered without this statement. If no appeal is received within the time specified, this dismissal will be final.

**Issued at Springfield, Illinois, this 29<sup>th</sup> day of February, 2016.**

**STATE OF ILLINOIS  
ILLINOIS LABOR RELATIONS BOARD  
LOCAL PANEL**

  
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Melissa Mlynski *mm*  
Executive Director