

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

SCOTT GOOLD,

28-PELRB-2012

Complainant,

v.

PELRB No. 155-11

NED FULLER,

Respondent.

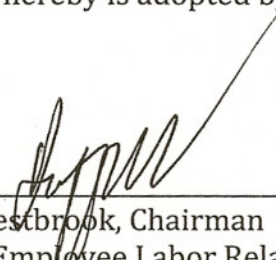
ORDER AND DECISION

THIS MATTER comes before the Public Employee Labor Relations Board for ratification of the Hearing Officer's Dismissal of the Prohibited Practices Complaint herein.

Upon a 3-0 vote at the Board's March 14, 2012 meeting;

IT IS HEREBY ORDERED that the Hearing Officer's Dismissal of the Prohibited Practices Complaint herein, shall be and hereby is adopted by the Board.

Date: 3/19/12



Duff Westbrook, Chairman
Public Employee Labor Relations Board



STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

SUSANA MARTINEZ
Governor

Duff Westbrook, Board Chair
Wayne Bingham, Vice-Chair
Roger E. "Bart" Bartosiewicz, Board Member

2929 Coors Road N.W., Suite #303
Albuquerque, NM 87120
(505) 831-5422
(505) 831-8820 (Fax)

THOMAS J. GRIEGO
Executive Director

February 2, 2012

Scott Goold
4513 Oahu Dr. N.E.
Albuquerque, NM 87111

Dina Holcomb
Attorney for Respondent Fuller
3301-R Coors Blvd NW #301
Albuquerque, NM 87120

Re: ***Goold v. Fuller; PELRB No.155-11***

Dear parties:

NMAC 11.21.3.12(C) provides that the Director is to request withdrawal of a complainant within (5) five days in the event a complainant fails to timely produce evidence in support of its complaint pursuant to the director's request, or fails to produce evidence that in the director's opinion is sufficient to support the allegations of the complaint. Absent such withdrawal, the Director shall dismiss the complaint.

On January 24, 2012 I requested that Mr. Goold withdraw the complaint within five (5) and in the absence of a withdrawal a dismissal would issue. By my count, the deadline for withdrawal, excluding weekends was yesterday, February 1, 2012. Because the claim was not withdrawn as requested it shall be and is hereby **DISMISSED**.

Any party to this action may appeal this dismissal within ten (10) days following service of this decision pursuant to NMAC 11.21.3.13.


Thomas J. Griego
Executive Director
Public Employee Labor Relations Board

Cc: Sandy Martinez, SPO Labor Relations Director