

STATE OF NEW MEXICO
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

In re:

AFSCME, LOCAL 3022,

32-PELRB-2012

Complainant,

v.

PELRB No.'s 154-11

ALBUQUERQUE and BERNALILLO
COUNTY WATER AUTHORITY,

Respondent.

ORDER

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 January 25, 2012, shall be and hereby is adopted by the Board as its Order.

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

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THOMAS J. GRIEGO
Executive Director

February 2, 2012

AFSCME Local 3022
1202 Pennsylvania St. N.E.
Albuquerque, NM 87109
Attn: Andrew Padilla

Charles Kolberg, General Counsel
Albuquerque and Bernalillo County
Water Utility Authority
PO Box 1293
Albuquerque, NM 87103

Re: ***AFSCME Local 3022 v. Albuquerque and Bernalillo County Water Authority;
PELRB No.154-11***

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 25, 2012 I requested that Mr. Padilla withdraw the complaint within five (5) and notified the parties that 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 Because the claim was not withdrawn as requested it shall be and is hereby **DISMISSED**.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