

A.B.D. No. 91-5

STATE OF NEW JERSEY
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION APPEAL BOARD

OAL DKT #PRB-2324-90
(On Remand PRB 4105-89)
AGENCY DKT #AB-89-11

CAROL NUTTO,

Petitioner,

v.

**COMMUNICATIONS WORKERS
OF AMERICA,**

Respondent.

Carol Nutto, petitioner pro se

For respondent, **Michael T. Leibig,** Esq. (Zwerdling, Paul, Leibig, Kahn, Thompson, Driesen, attorneys) and **Steven P. Weissman,** Esq., Communications Workers of America, AFL-CIO District 1

DECISION AND ORDER

On May 8, 1989, Carol Nutto filed a petition of appeal with the Public Employment Relations Commission Appeal Board. The petitioner is employed by the State of New Jersey and is represented in collective negotiations by, but is not a member of, respondent, Communications Workers of America, AFL-CIO and its affiliate ("CWA"). She pays a representation fee in lieu of dues which is shared by CWA and its local. The petition seeks review of representation fees paid to the CWA and its affiliated locals. CWA filed an Answer to the petition. On June 5, 1989, this matter was

transferred to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge Robert W. Scott. On November 27, 1989, Judge Scott entered an order dismissing the petition of appeal because of her failure to appear at a hearing scheduled. Petitioner did not submit an explanation of her nonappearance to Judge Scott within the 10-day period set by N.J.A.C. 1:1-14.4(a). However, the Board was satisfied with petitioner's reasons for her nonappearance and remanded the case to Judge Scott for the limited purpose of reviewing the settlement terms in accordance with N.J.A.C. 1:1.19.1. A.B.D. No. 90-5, 16 NJPER 100 (¶21036 1990).

CWA and the petitioner have entered into a settlement. On November 8, 1990, Judge Scott issued an "Initial Decision-Settlement." He reviewed the terms of the settlement and concluded that it was entered into voluntarily and disposed of all issues in dispute. He approved the settlement and ordered that all parties comply with its terms. Pursuant to N.J.S.A. 52:14B-10, the matter is now before the Appeal Board to affirm, reverse, remand or modify Judge Scott's order.

We have reviewed the settlement and Judge Scott's order (attached hereto), pursuant to N.J.S.A. 52:14B-10, and conclude that his action is correct.

ORDER

The Initial Decision-Settlement of Judge Scott is hereby affirmed.

BY ORDER OF THE APPEAL BOARD

WILLIAM L. NOTO
Chairman

Chairman Noto and Board Members Dorf and Verhage voted in favor of this decision.

DATED: TRENTON, NEW JERSEY
November 13, 1990
ISSUED: December 13, 1990