

D.U.P. NO. 93-46

STATE OF NEW JERSEY  
PUBLIC EMPLOYMENT RELATIONS COMMISSION  
BEFORE THE DIRECTOR OF UNFAIR PRACTICES

In the Matter of

TOWNSHIP OF MIDDLETOWN and  
MIDDLETOWN PBA LOCAL 124,

Respondent,

-and-

Docket No. CI-93-85

LARRY S. LOIGMAN,

Charging Party.

SYNOPSIS

The Director of Unfair Practices dismisses an unfair practice charge filed by Larry S. Loigman, in his capacity as a concerned resident, citizen and taxpayer, against the Township of Middletown and Middletown PBA Local 124. The Director finds that under N.J.A.C. 19:14-1, Loigman is not entitled to file the charge since he is not a public employer, public employee, public employee organization or their representative.

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Appearances:

For the Respondent Township of Middletown  
Dowd & Reilly, attorneys  
(Bernard M. Reilly, of counsel)

For the Respondent PBA Local 124  
Klatsky & Klatsky, attorneys  
(Fred M. Klatsky, of counsel)

For the Charging Party  
Larry S. Loigman, attorney, pro se

REFUSAL TO ISSUE COMPLAINT

On June 1, 1993, Larry S. Loigman, Esq. filed an unfair practice charge with the Public Employment Relations Commission against the Township of Middletown and Middletown PBA Local 124. Loigman, in his capacity as a concerned resident, citizen and taxpayer, challenges the conduct of negotiations between the PBA and the Township.

The Unfair Practice Rules of the Commission, N.J.A.C. 19:14-1, entitled "Who may file", provides:

A charge that any public employer or public employee organization has engaged or is engaging

in any unfair practice listed in subsections (a) and (b) of N.J.S.A. 34:13A-5.4 may be filed by any public employer, public employee, public employee organization, or their representative.

Loigman is neither a public employer, public employee, public employee organization, or their representative. Thus, under N.J.A.C. 19:14-1, he is not entitled to file the instant unfair practice charge with the Commission. Therefore, I refuse to issue a complaint and dismiss this unfair practice charge.

BY ORDER OF THE DIRECTOR  
OF UNFAIR PRACTICES

  
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Edmund G. Gerber, Director

DATED: June 29, 1993  
Trenton, New Jersey