

STATE OF NEW JERSEY  
BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the Matter of

HOUSING AUTHORITY OF THE  
CITY OF NEWARK,  
Respondent,

Docket No. CO-76-167-78

-and-

LOCAL 617, SEIU, AFL-CIO,  
Charging Party.

Appearances:

For the Respondent, Steven C. Rother, General  
Counsel (Mr. Emil W. Nardacone, Associate  
Counsel, of Counsel)

For the Charging Party, Mr. Curtis Grimsley, President

DECISION AND ORDER

On July 29, 1976 Hearing Examiner Edmund G. Gerber  
filed with the Commission and served on the parties the attached  
Recommended Report and Decision (H.E. No. 77-2, 2 NJPER \_\_\_\_),  
recommending dismissal of the complaint without prejudice for  
lack of prosecution. No exceptions to the Recommended Report and  
Decision were filed pursuant to N.J.A.C. 19:14-7.3.

Accordingly, the Commission adopts the Hearing Examiner's  
Recommended Report and Decision and it is hereby ORDERED that  
the complaint is dismissed without prejudice for lack of prosecu-  
tion.

BY ORDER OF THE COMMISSION

  
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Jeffrey B. Tener, Chairman

DATED: Trenton, New Jersey  
August 24, 1976

ISSUED: August 25, 1976

Chairman Tener and Commissioners Hipp, Harnett, Hurwitz and Parcels  
voted for the Decision.  
Commissioner Forst was not present,

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HEARING EXAMINER'S RECOMMENDED  
REPORT AND DECISION

An unfair practice charge was filed with the Public Employment Relations Commission on December 22, 1975 by Local 617, Service Employees International Union, AFL-CIO alleging that the Housing Authority of the City of Newark had engaged in unfair practices within the meaning of the New Jersey Employer-Employee Relations Act as amended N.J.S.A. 34:13A-1 et seq. Specifically it is alleged that the Housing Authority did discriminatorily discharge Abdul Muhammad Seddek for his participation in protected concerted activity. <sup>1/</sup>

It appearing that the allegations of the charge, if true, may constitute an unfair practice within the meaning of the Act, a complaint and notice of hearing was issued on April 7, 1976. Pursuant to the complaint and notice of hearing, representatives of both the Charging Party and the Respondent met with the Hearing Examiner at a pre-hearing conference on April 27, 1976. At that time, the representative of the Charging Party stated that he had not yet been in touch with Mr. Seddek, but he would, however, be prepared to go ahead with the hearing on May 3, 1976 as scheduled.

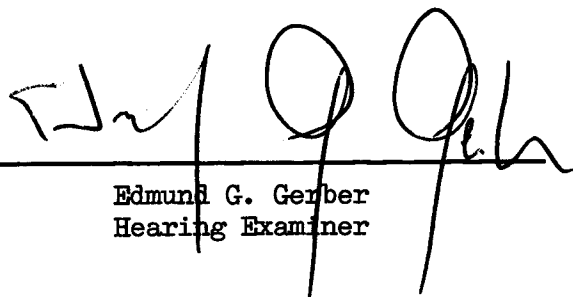
<sup>1/</sup> The charge alleges that this discharge constitutes a violation of N.J.S.A. 34:13A-5.4 (a) (3) which states that employer are prohibited from discriminating in regard to hire or tenure of employment or any term or condition of employment to encourage or discourage employees in the exercise of the rights guaranteed to them by this act.

On May 3, no one appeared for the Charging Party at the hearing. When the offices of the Charging Party were contacted that morning by the Hearing Examiner, a secretary stated that the Charging Party's representatives had another engagement that day and would not be able to attend the Hearing.

The Charging Party never notified counsel for the Respondent, the office of the Public Employment Relations Commission, or the Hearing Examiner that said representative would not be able to appear at the hearing. Accordingly the complaint is dismissed without prejudice for lack of prosecution.

ORDER

Accordingly, for the reasons set forth above, it is hereby ordered that the complaint in this matter be dismissed in its entirety without prejudice.



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Edmund G. Gerber  
Hearing Examiner

DATED: Trenton, New Jersey  
July 29, 1976