

A.B.D. No. 86-12

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

OAL DKT #PRB-0734-86  
AGENCY DKT #AB-86-2

**GERALD I. GILBERT,**

Petitioner,

v.

**COMMUNICATIONS WORKERS  
OF AMERICA**

Respondent.

**Gerald I. Gilbert,** petitioner pro se

**Steven P. Weissman,** Esq. for respondent (Communications  
Workers of America, AFL-CIO District 1)

DECISION AND ORDER

On October 15, 1985, Gerald I Gilbert filed a petition of appeal with the Public Employment Relations Commission Appeal Board ("Appeal Board"). The petitioner is employed by the State of New Jersey and is represented for purposes of collective negotiations by Respondent, Communications Workers of America, AFL-CIO ("CWA"). He pays a representation fee in lieu of dues to the CWA. The petition and attached exhibits state that Gilbert demanded and received from the CWA rebates of a portion of his representation fees paid to the CWA and its affiliated Local between January 1, 1984 and December 31, 1984. Gilbert also requested a rebate for the 1985 fiscal year which had not been paid at the time of the filing of the petition. The petition also requested an itemized calculation of how the deduction and return were determined. An Answer to the petition was

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filed by the CWA. The matter was transferred to the Office of Administrative Law as a contested case on January 30, 1986 and was assigned to Administrative Law Judge Joseph Lavery. Prior to the opening of hearings the CWA and the petitioner entered into a stipulation of settlement. Judge Lavery reviewed the terms of the settlement and concluded that it was entered into voluntarily. On April 28, 1986, Judge Lavery issued his "Initial Decision-Settlement" adopting the Stipulation of Settlement, ordering that all parties comply with its terms and concluding the proceedings before him. Pursuant to N.J.S.A. 52:14B-10, the matter is now before the Appeal Board to affirm, reverse, remand or modify the order issued by Judge Lavery.

We have reviewed the settlement and Judge Lavery'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 Lavery is hereby affirmed.

BY ORDER OF THE APPEAL BOARD

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**GERALD I. DORF**  
Acting Chairman

Acting Chairman Dorf and Board Member Verhage voted in favor of this decision.

DATED: TRENTON, NEW JERSEY  
June 24, 1986

ISSUED: June 25, 1986