

A.B.D. No. 90-8

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

DKT. No. AB-88-1
OAL DKT. NO. PRB 5107-88

JOSEPH C. BATTITO,

Petitioner,

v.

**COMMUNICATIONS WORKERS
OF AMERICA, LOCAL 1037**

Respondent.

Petitioner pro se, **Joseph C. Battito,**

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 September 27, 1987, Joseph C. Battito 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 in collective negotiations by, but is not a member of, respondent, Communications Workers of America, AFL-CIO and its affiliate, Local 1037 ("Local 1037"). He pays a representation fee in lieu of dues which is shared by CWA and Local 1037. The petition seeks review of representation fees paid to the

CWA and its affiliated locals. An Answer to the petition was filed by the CWA. On July 8, 1988, this matter was transferred to the Office of Administrative Law as a contested case and was assigned to Administrative Law Judge Richard J. Murphy. CWA and the petitioner have entered into a settlement. On February 5, 1990, Judge Murphy 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 Murphy's order.

We have reviewed the settlement and Judge Murphy'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 Murphy 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
March 16, 1990