

**Notice:** This decision may be formally revised before it is published in the District of Columbia Register. Parties should promptly notify this office of any errors so that they may be corrected before publishing the decision. This notice is not intended to provide an opportunity for a substantive challenge to the decision.

**Government of the District of Columbia  
Public Employee Relations Board**

In the Matter of:	)	
	)	
University of the District of Columbia	)	
Faculty Association/NEA	)	
	)	
Complainant,	)	PERB Case No. 04-U-36
v.	)	
	)	Opinion No. 793
	)	
University of the District of Columbia,	)	
	)	
Respondent.	)	
	)	
	)	

**DECISION AND ORDER**

The University of the District of Columbia Faculty Association/NEA ("Complainant" or "UDCFA") filed an unfair labor practice complaint against the University of the District of Columbia ("Respondent" or "UDC"). The Complainant alleges that UDC violated the Comprehensive Merit Personnel Act by wrongfully failing to include faculty members in the unit represented by UDCFA. The Respondent filed an answer denying all of the allegations.

This matter was referred to a Hearing Examiner and a hearing was scheduled for December 13, 2004. However, on the day of the hearing, UDC informed the Hearing Examiner that they had retained outside counsel. As a result, UDC requested that the Hearing Examiner postpone the hearing until a later date. Subsequently, the hearing was rescheduled for April 7, 2005.

At the April 7<sup>th</sup> hearing, the parties informed the Hearing Examiner that a settlement had been reached. Therefore, the hearing was cancelled and in a letter dated April 7, 2005, UDCFA withdrew their complaint. In light of the above, the Hearing Examiner is recommending that the Board dismiss the complaint.

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Consistent with UDCFA's request and Board Rule 520.5, the complaint is dismissed with prejudice.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

- (1) The Complainant's unfair labor practice complaint is dismissed with prejudice.
- (2) Pursuant to Board Rule 559.1, this Decision and Order is final upon issuance.

**BY ORDER OF THE PUBLIC EMPLOYEE RELATIONS BOARD  
Washington, D.C.**

July 8, 2005

CERTIFICATE OF SERVICE

This is to certify that the attached Decision and Order in PERB Case No. 04-U-36 was transmitted via Fax and U.S. Mail to the following parties on this the 8th day of July 2005.

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