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**GOVERNMENT OF THE DISTRICT OF COLUMBIA
PUBLIC EMPLOYEE RELATIONS BOARD**

In the Matter of:)
)
)
Doctors' Council of District of)
Columbia General Hospital,)
)
Complainant,)
)
)
v.)
)
District of Columbia)
General Hospital,)
)
Respondent.)
)
)
)

PERB Case No. 95-U-10
Opinion No. 441

DECISION AND ORDER

On June 15, 1995, we issued Opinion No. 437, denying Respondent's Motion to Dismiss the Complaint filed in the above-captioned proceeding. Since the record remained unclear and inconclusive, we deferred making a determination on Complainant's (Doctors' Council of D.C. General Hospital) Motion for Summary Judgement and/or Decision on the Pleadings and directed the parties to provide further evidence and argument on the issues presented by the Complaint.

Upon consideration of the parties' submissions, we conclude that significant issues of fact remain in dispute. Therefore, we must deny Complainant's Motion. Furthermore, we shall refer the matter to a hearing examiner to develop a complete record upon which findings, conclusions and recommendations can be made with respect to the asserted unfair labor practice.^{1/} In view of the

^{1/} We note that the Complaint violation asserted in PERB Case No. 95-U-18 concerns the same subject matter, i.e., alleged fee-for-service arrangements with bargaining unit employees. In view of this connection and economies of the Board's processes, we shall consolidate PERB Case 95-U-18 with the instant Complaint for a hearing.

unclear impact of the issues presented on the violation asserted, it would not be in the interest of justice to award Complainant costs should they ultimately prevail in this proceeding. Therefore, the Complainant's request for costs is denied.

ORDER

IT IS HEREBY ORDERED THAT:

1. The Motion for Summary Judgement and/or Decision on the Pleadings is denied.
2. Complainant's request for costs is denied.
3. The Complaint is referred to a hearing examiner to make findings, conclusions and a recommendation to the Board.
4. This case is consolidated with PERB Case 95-U-18 and referred for a hearing.

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

July 21, 1995