



Decision and Order  
PERB Case No. 95-U-14  
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practices.<sup>1/</sup> We find that a determination cannot be made without a resolution of these factual disputes and therefore, Complainant's Motion for Summary Judgement must be denied. Cf., Clarence Mack, et al. v. FOP\DOC Labor Committee, Slip Op. No. 386, PERB Case No. 94-U-24 (1995). The Complaint will be referred to a hearing examiner for further development of the record and to make findings, conclusions and recommendations.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

The Motion for Summary Judgement is denied.

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

July 20, 1995

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<sup>1/</sup> Complainant states that the sworn affidavits (attached to his Motion) in support of the Complaint allegations leave no genuine issues of fact. He argues, therefore, that he is entitled to summary judgement. While, as Complainant notes, the Respondent's Answer to the Complaint does not consist of a sworn statement, Board Rule 520.6 makes no such requirement. OLRCB has denied the Complaint allegations and thereby met the requirements of Board Rule 520.6 to place the factual basis of the Complaint in dispute. Parties to an unfair labor practice proceeding are not required to prove their case on the pleadings. We further note that while the Complainant has cited Federal case law in support of his Motion, those cases were pursuant to Federal Rules of Civil Procedure (FRCP). The D.C. Public Employee Relations Board does not follow the FRCP but rather has its own rules that govern the processing and disposition of actions before it.