GOVERNMENT OF THE DISTRICT OF COLUMBIA PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of:)
In the Matter OI;	,)
District of Columbia Nurses)
Association,) ::
)
Complainant,) NEDD Gara No. 00 H 00
) PERB Case No. 98-U-02
v.) Opinion No. 583
District of Columbia Health and)
Hospitals Public Benefit)
Corporation, District of Columbia) FOR PUBLICATION
General Hospital,)
)
Respondent.)
)
	_) `

DECISION AND ORDER

The facts and issues that gave rise to this case are set out by the Hearing Examiner in her Report and Recommendation.1/ The Hearing Examiner found that Complainant District of Columbia Nurses Association (DCNA), failed to prove that the discharge of a bargaining unit employee by the District of Columbia Health and Hospitals Public Benefit Corporation (PBC), District of Columbia General Hospital (DCGH) constituted an unfair labor practice in violation of the Comprehensive Merit Personnel Act (CMPA) as codified under D.C. Code § 1-618.4(a)(1), (3) and (4). cally, the Hearing Examiner found that the Complainant met its minimum burden of establishing a prima facie case that, at the time of the adverse action, the PBC was aware of the employee's protected activity and had exhibited animus toward the employee. The Hearing Examiner concluded that the PBC established a legitimate basis for terminating the employee, notwithstanding his union activities. (R&R at 10-11) Based on her findings and conclusions, the Hearing Examiner recommended that the Complaint

^{1/} The Hearing Examiner's Report and Recommendation is attached as an appendix to this Opinion.

Decision and Order PERB Case No. 98-U-02 Page 2

be dismissed in its entirety.

No exceptions were filed by either party to the findings, conclusions and recommendations made by the Hearing Examiner.

Pursuant to D.C. Code Sec. 1-605.2(3) and Board Rule 520.14, the Board has reviewed the findings and conclusions of the Hearing Examiner and find them to be reasonable, persuasive and supported by the record. We therefore adopt the recommendations of the Hearing Examiner and dismiss the Complaint.

ORDER

IT IS HEREBY ORDERED THAT:

The Complaint is dismissed.

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

April 1, 1999