

STATE OF CALIFORNIA
DECISION OF THE
PUBLIC EMPLOYMENT RELATIONS BOARD



AMALGAMATED TRANSIT UNION, LOCAL
1277 and DALE MOORE,

Charging Parties,

v.

RIVERSIDE TRANSIT AGENCY,

Respondent.

Case No. LA-CE-472-M

PERB Decision No. 2053-M

July 23, 2009

Appearance: Neyhart, Anderson, Flynn & Grosboll by William J. Flynn, Attorney, for Amalgamated Transit Union, Local 1277 & Dale Moore.

Before Dowdin Calvillo, Acting Chair; McKeag and Neuwald, Members.

DECISION

DOWDIN CALVILLO, Acting Chair: This case is before the Public Employment Relations Board (Board) on appeal by Amalgamated Transit Union, Local 1277 and Dale Moore (Moore) (collectively Charging Parties) of a Board agent's partial dismissal of their unfair practice charge. The charge alleged that the Riverside Transit Agency violated the Meyers-Milias-Brown Act (MMBA)¹ by refusing to hire Moore as a bus operator because of his union activity. The Office of the General Counsel issued a complaint based on this allegation. However, the Board agent simultaneously dismissed Moore as a charging party, concluding that because Moore was an applicant for employment, he lacked standing under the MMBA to file an unfair practice charge.

By letter dated July 2, 2009, Charging Parties notified the Board that they "are withdrawing, with prejudice, the entire action, including the appeal of the partial dismissal." Based on our review of Charging Parties' letter and the entire record in this matter, the Board

¹ The MMBA is codified at Government Code section 3500 et seq.

finds withdrawal is in the best interests of the parties and consistent with the purposes of the MMBA. Accordingly, the Board grants Charging Parties' request to withdraw the appeal of the partial dismissal.

ORDER

The request by Amalgamated Transit Union, Local 1277 and Dale Moore to withdraw the appeal of the partial dismissal in Case No. LA-CE-472-M is hereby GRANTED.

Members McKeag and Neuwald joined in this Decision.