

State of Maryland
State Labor Relations Board

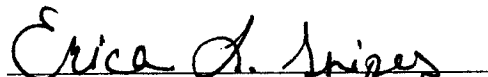
In the matter of:)	
Leslie Thomas DeLawder,)	SLRB ULP Case No. 09-U-06
)	
Petitioner,)	
)	
v.)	
)	
John Martin,)	
)	
Respondent)	

Administrative Dismissal for Insufficient Service, Failure to State a Claim under Board Law or Regulations, & Lack of Jurisdiction

On January 16, 2009, Petitioner Leslie Thomas DeLawder filed a complaint before the State Labor Relations Board ("Board"), pursuant to COMAR 14.32.05. In his complaint, Mr. DeLawder alleged that the above named Respondent had fired him for failure to appear for his scheduled shift on 04/22/08 without notification by phone.

Petitioner's complaint is deficient in three respects. First, Petitioner failed to file a certificate of service, attesting that the complaint had been served upon the Respondent, pursuant to COMAR 14.32.02.12. Second, Petitioner fails to state a claim under the State Personnel and Pension Article §3-306, or under corresponding Board regulations at COMAR 14.32.05, upon which relief may be appropriately granted. Third, Petitioner's complaint fails to demonstrate the Respondent is an employee or branch of any of the units of state government described in State Personnel & Pension Article §3-101(a)(1) through (4).

Accordingly, this complaint is administratively dismissed, because of deficient service, failure to state a claim under State law or regulations and lack Board of jurisdiction to consider the complaint. Assuming, *arguendo*, that the deficient service could be corrected, such action would not affect the conclusion that the charge must be dismissed for lack of jurisdiction and failure to state a claim under the laws and regulations of the State Labor Relations Board which are administered by this office.


Erica L. Snipes, Executive Director
MD State Labor Relations Boards
State Labor Relations Board

1/20/09
Date