STATE OF MICHIGAN

COURT OF APPEALS

In the Matter of the DETROIT BOARD OF EDUCATION.

SHEILA KNUBBE,

Petitioner-Appellant,

v

DETROIT BOARD OF EDUCATION and DETROIT FEDERATION OF TEACHERS,

Respondents-Appellees.

UNPUBLISHED
February 16, 2001

No. 215333
MERC
LC No. 97-000204

Before: Neff, P.J., and Holbrook, Jr., and Jansen, JJ.

PER CURIAM.

Petitioner appeals as of right from an October 6, 1998, decision and order of the Michigan Employment Relations Commission (MERC) dismissing her charges of unfair labor practices against respondents Detroit Board of Education (board) and Detroit Federation of Teachers (union). We affirm.

Petitioner, a tenured teacher, filed charges with the MERC alleging that respondents violated her rights under the Public Employment Relations Act (PERA), MCL 423.201 *et seq*.; MSA 17.455(1) *et seq*., by engaging in unfair labor practices. Petitioner specifically contended that the board improperly terminated her employment as a tenured teacher, and that the union breached its duty of fair representation by refusing to pursue a grievance against the board on her behalf. A MERC panel dismissed her charges, however, concluding that petitioner failed to state a claim upon which relief could be granted under the PERA.

Pursuant to MCL 423.216(e); MSA 17.455(16)(e), the factual findings of the MERC are conclusive if supported by competent, material, and substantial evidence on the whole record. Legal rulings of an agency, however, will be set aside if they are in violation of the constitution, a statute, or are affected by a substantial and material error of law. *Amalgamated Transit Union, Local 1564, AFL-CIO v Southeastern Michigan Transportation Authority*, 437 Mich 441, 450; 473 NW2d 249 (1991).

MCL 423.209; MSA 17.455(9) provides that it is lawful for public employees to "organize together or to form, join or assist in labor organizations, to engage in lawful concerted activities for the purpose of collective negotiation or bargaining or other mutual aid and protection, or to negotiate or bargain collectively with their public employers through representatives of their own free choice." MCL 423.210(1); MSA 17.455(10)(1) further provides in pertinent part:

> It shall be unlawful for a public employer or an officer or agent of a public employer (a) to interfere with, restrain or coerce public employees in the exercise of their rights guaranteed in section 9; (b) to initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization . . . ; (c) to discriminate in regard to hire, terms or other conditions of employment in order to encourage or discourage membership in a labor organization . . . ; (d) to discriminate against a public employee because he has given testimony or instituted proceedings under this act . . . .

Similarly, § 10(3) of the PERA provides that a labor organization shall not restrain or coerce public employees in the exercise of their rights guaranteed under § 9.

Although petitioner alleges broad misconduct on the part of both respondents, her charges filed with the MERC relate solely to her allegations of unfair labor practices under the PERA. We note that petitioner's charges contain very few allegations which fall within the purview of the PERA. Although petitioner's charges do allege that the board dismissed her out of retaliation, the charges do not explain why this purported retaliation occurred. In other words, petitioner's factual allegations fail to establish a nexus between her exercise of her rights protected under the PERA and the unfair labor practices. Therefore, we concur with conclusion of the MERC that petitioner's charges fail to state a claim upon which relief could be granted under the PERA.

Petitioner's later filings contained conclusory allegations suggesting that the retaliation was based upon her exercise of her rights protected under the PERA, and, in fact, the MERC provided her an opportunity to amend her charges to incorporate and further explain these allegations. However, petitioner failed to amend her charges, and they were dismissed. We have previously ruled that reversal will not be granted for an "error to which the aggrieved party contributed by plan or negligence." *Phinney v Perlmutter*, 222 Mich App 513, 537; 564 NW2d 532 (1997). Accordingly, the MERC did not err as a matter of law by dismissing petitioner's charges.

Lastly, petitioner raises several other arguments regarding the conduct of the hearing referee, the MERC panel, the MERC clerk, attorneys, and parties. None of these argument were raised or considered below, petitioner has failed to cite to the record to factually support her allegations, and petitioner has failed to cite any authorities to support her position. Consequently, we consider these arguments to be waived for appellate review. *Mudge v Macomb Co*, 458 Mich 87, 104-105; 580 NW2d 845 (1998); *Grand Rapids Employees Independent Union v Grand Rapids*, 235 Mich App 398, 409; 597 NW2d 284 (1999).

Affirmed.

/s/ Janet T. Neff
/s/ Donald E. Holbrook, Jr.
/s/ Kathleen Jansen