

State of Maryland
State Higher Education Labor Relations Board

In the matter of:)	
April R. Willard,)	
)	
)	SHELRB ULP Case No. 2012-03
Complainant,)	
)	
v.)	
)	
Raj Agrawal/Asth Vinayak/Taj India,)	
)	
)	
Respondent)	

Board Dismissal for Insufficient Service, Lack of Jurisdiction & Failure to State a Claim Upon
Which Relief May Be Granted

This matter comes before the State Higher Education Labor Relations Board (“the Board” or “SHELRB”) as the result of Complainant, April R. Willard, filing an unfair labor practice Complaint on April 3, 2012, pursuant to COMAR 14.30.07.01 & 14.30.07.02. In her Complaint, Ms. Willard asserted that her employer, Taj India, has given her pay checks that bounced or \$0.00 paychecks over her course of employment, and has not received paychecks at all, from June of 2011 through February of 2012. Additionally, Ms. Willard alleges that there were problems with the W2 tax forms and with the tax filing process in general as a result of information given from Taj India, and although she had asked the owner of the establishment to correct those problems, nothing was fixed. As relief, Ms. Willard asks that the W2 matter be corrected and that she receive accurate paychecks for the months of June 2011 through February 2012.

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 14.30.07.04(C). Second, Petitioner’s complaint fails to demonstrate that the Respondent is an employer or branch of any of the units of state government described in State Personnel & Pension Article §3-101(a)(1) through (4). Third, Petitioner failed to state a claim upon which relief may be granted under Title 3 of the State Personnel & Pension Article or State Labor Relations Board regulations.

Accordingly, based on the discussion above, this complaint is dismissed.

Additionally, should there be issues of payment or wages owed, Petitioner may contact the Maryland Department of Labor, Licensing and Regulation (DLLR) at the following address and phone number:

Maryland Department of Labor, Licensing & Regulation
500 North Calvert Street, #401
Baltimore, MD 21202
(410) 230-6001

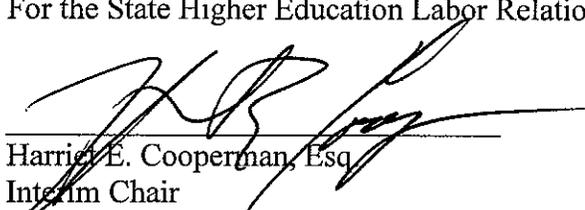
The DLLR is authorized to investigate wage payment claims from private citizens of Maryland who work for a private Maryland employer.

Please note that the State Higher Education Labor Relations Board's jurisdiction, as well as the jurisdiction of the State Labor Relations Board, is confined to certain labor claims of individuals employed by the state of Maryland. *This referral to the Maryland DLLR does not constitute legal advice to Petitioner as to the merits of any claim Petitioner may have before these agencies. Petitioner is urged to consult legal counsel as to the merits of any possible claims.*

If there are any further questions regarding the above, please feel free to contact Joseph K. Pokempner, Esq., the Assistant Attorney General for the State Labor Relations Board. He may be reached at (410) 576-6962.

Issue Date: April 12, 2012

For the State Higher Education Labor Relations Board:



Harriet E. Cooperman, Esq.
Interim Chair

APPEAL RIGHTS

Any party aggrieved by this action of the SHELRB may seek judicial review in accordance with Title 10, Subtitle 2 of the State Government Article, Annotated Code of Maryland, Sec. 10-222 (Administrative Procedure Act—Contested Cases), and Maryland Rules CIR CT Rule 7-201 *et seq.* (Judicial Review of Administrative Agency Decisions).