

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Respondent.

No. 9781-C

"The initial question existing in the instant case is whether Schultz quit his job or was terminated by the Respondent on June 3, 1970, for if Schultz voluntarily quit his employment such a fact would result in the dismissal of the complaint. We have found that Schultz did not quit his employment, since in order to constitute a quit the Respondent would have had to establish that Schultz actively or constructively conveyed an intention to the Respondent that Schultz quit his employment. There is nothing in the record to establish such an intention. On the contrary, the evidence discloses that Schultz left his employment on June 3, 1970, during the working day because of a back injury and at no time did he convey any intention of quitting his employment. Thus, the termination of Schultz's employment resulted from a constructive discharge by the Respondent."

4. That the Commission adopts the remaining portion of the Examiner's Memorandum as its own.


Given under our hands and seal at the
City of Madison, Wisconsin, this 16th
day of July, 1971.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Morris Slavney, Chairman


Zel S. Rice II, Commissioner


Jos. B. Kerkman, Commissioner