

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| H. EDWIN HOVLAND and MENOMONIE EDUCATION ASSOCIATION,               | : |                      |
|   | : |                      |
| Complainants,   | : | Case V               |
|   | : | No. 16126 MP-183     |
| vs.   | : | Decision No. 11392-A |
|   | : |                      |
| BOARD OF EDUCATION OF JT. DISTRICT NO. 1, CITY OF MENOMONIE ET AL., | : |                      |
|   | : |                      |
| Respondent.   | : |                      |
|   | : |                      |

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ORDER OF DISMISSAL

A Complaint of prohibited practices having been filed with the Wisconsin Employment Relations Commission by H. Edwin Hovland and the Menomonie Education Association, wherein they alleged that the Board of Education of Jt. District No. 1, City of Menomonie et al., had committed a prohibited practice within the meaning of Section 111.70 of the Wisconsin Statutes; and the Commission having appointed the undersigned as Examiner to make and issue findings of fact, conclusions of law and orders in the matter; and a hearing having been scheduled in said matter for Monday and Tuesday, November 27 and 28, 1972; and prior to any further action by the Examiner, the Complainants having indicated in writing to the Examiner that the parties have privately reached a satisfactory settlement of the matters alleged in the Complaint; and the Complainants having requested, without objection from the Respondent, that the Complaint be dismissed on said basis;

NOW, THEREFORE, it is

ORDERED

That the Complaint filed in the above-entitled matter be, and the same hereby is, dismissed.

Dated at Milwaukee, Wisconsin, this 28th day of November, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Marshall L. Gratz  
Marshall L. Gratz, Examiner

BOARD OF EDUCATION OF JT. DISTRICT NO. 1,  
CITY OF MENOMONIE ET AL.

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

The instant Complaint was filed with the Commission on October 23, 1972. In the Notice of Hearing with respect thereto, the Examiner set November 13, 1972 as the appropriate date for Answer. On November 9, 1972, Melvin O. Bollom, Superintendent of Schools for the Respondent sent a letter to the Examiner requesting that the hearing be cancelled and asserting that the Complaint was unclear in several respects and that said letter of November 9, 1972 should be considered a complaint by Respondent against the Complainants for their failure to exhaust certain dispute settlement mechanisms provided in the parties' collective bargaining agreement. Only an original of Mr. Bollom's letter was filed with the Examiner and no copy had been sent to the other parties to the instant matter.

The Examiner immediately responded to Mr. Bollom's letter stating that the procedural objections contained therein could be raised either via an answer filed pursuant to the Commission's rules (a copy of which was enclosed with the Examiner's letter) or on the record at the hearing. It should also be noted by Respondent, at this time, that Mr. Bollom's letter does not satisfy the requirements of the Commission's rules for prohibited practices complaints. In the event that Respondent intends to pursue a remedy for any alleged prohibited practices related to the allegations contained in Mr. Bollom's letter of November 9, it must do so through a properly prepared and filed complaint.

Dated at Milwaukee, Wisconsin, this 28th day of November, 1972.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Marshall L. Gratz  
Marshall L. Gratz, Examiner