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WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Marilyn L. Graves
Clerk

Madison, July 17, 1981

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Clerk, Circuit Court

Decision No. 11457-F

You are hereby notified that the Court entered the following order:

#81-773 Guthrie v. WERC (T.C. #161-024)

Before Gartzke, P.J., Bablitch, J., and Dykman, J.

On June 30, 1981, this court issued an order directing the parties to submit memoranda on the jurisdictional issues of whether a written order regarding attorney's fees appears in the record and, if so, whether such an order is a final order appealable as of right.

The notice of appeal is directed to an order entered March 5, 1981, wherein the circuit court remanded the matter to the Wisconsin Employment Relations Commission. The court concludes that that order is a final order appealable as of right in view of Bearns v. DILHR, ___ Wis.2d ___, 306 N.W.2d 22 (1981). The court further concludes that the issues as to whether a request for attorney's fees was properly presented to the circuit court and, if so, whether the order of the circuit court addresses that request are issues that go to the merits of the appeal rather than to this court's jurisdiction over the appeal.

Upon the foregoing reasons,

IT IS ORDERED that the court has jurisdiction over the appeal.

Marilyn L. Graves
Clerk of Court of Appeals