

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

-----  
 LOCAL 386, ALLIED INDUSTRIAL WORKERS OF AMERICA, AFL-CIO,  
 Complainant,  
 vs.  
 STOLPER INDUSTRIES, INC.,  
 Respondent.  
 -----

Case VI  
 No. 18198 Ce-1556  
 Decision No. 12935-A

Appearances:

Goldberg, Previant & Uelmen, Attorneys at Law, by Mr. Kenneth R. Loebel, appearing on behalf of the Complainant.  
 Michael, Best & Friedrich, Attorneys at Law, by Mr. John R. Sapp, appearing on behalf of the Respondent.

ORDER OF DISMISSAL

Complaint of unfair labor practices having been filed with the Wisconsin Employment Relations Commission by Local 386, Allied Industrial Workers of America, AFL-CIO, wherein it alleged that Stolper Industries, Inc., committed unfair labor practices within the meaning of Section 111.06 of the Wisconsin Statutes; and the Commission having appointed the undersigned as Examiner to make and issue Findings of Fact, Conclusions of Law and Order in the matter; and a hearing having been held on September 16, 1974 at Milwaukee, Wisconsin; and during aforesaid hearing Complainant having moved to dismiss the subject complaint; and the Respondent offering no objection to aforesaid motion to dismiss;

NOW, THEREFORE, it is

ORDERED

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

Dated at Madison, Wisconsin this 24th day of September, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas L. Yaeger  
 Thomas L. Yaeger Examiner

MEMORANDUM ACCOMPANYING ORDER  
OF DISMISSAL

A hearing in the above entitled matter was scheduled to begin at 10:00 a.m. on September 16, 1974 at Milwaukee, Wisconsin, on a complaint of unfair labor practices, alleging that Respondent violated its labor agreement with the Complainant when it discharged its then employee, James Duncan, without "proper cause". The scheduled opening of the aforesaid hearing was delayed approximately 45 minutes awaiting the arrival of the discharged employe, but he never arrived and the hearing began without him present. After Complainant and Respondent made opening statements, Complainant made a motion to dismiss the complaint conditioned upon the Respondent's stipulation that the complaint could be refiled if the discharged employe were to come forward within a reasonable time and establish that his absence was for cause which reasonably precluded his attendance. The accompanying Order of Dismissal is in accordance with the aforementioned stipulation.

Dated at Madison, Wisconsin this 24th day of September, 1974.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas L. Yaeger  
Thomas L. Yaeger, Examiner