

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LODGE 1406, INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
AFL-CIO,

Complainant,

vs.

WISCONSIN PORCELAIN COMPANY,

Respondent.

Case XIX
No. 18736 Ce-1582
Decision No. 13285-A

ORDER GRANTING MOTION TO DISMISS

A complaint of unfair labor practices having been filed with the Wisconsin Employment Relations Commission by Lodge 1406, International Association of Machinists and Aerospace Workers, AFL-CIO, wherein it alleged Wisconsin Porcelain Company had committed unfair labor practices within the meaning of Section 111.06 of the Wisconsin Employment Peace Act; and the Commission having appointed the undersigned as Examiner to conduct hearing in the matter and make and issue Findings of Fact, Conclusions of Law and Order; and Notice of Hearing having been served on Complainant by certified mail on January 23, 1975, with return receipt for said notice having been executed on behalf of Complainant on January 24, 1975; and hearing having been commenced by the undersigned on February 24, 1975, at Madison, Wisconsin; and Complainant having not appeared to prosecute said complaint of unfair labor practices; and Respondent having moved on the record to dismiss said complaint of unfair labor practices with prejudice; and the undersigned being satisfied that the complaint filed herein should be dismissed with prejudice;

NOW, THEREFORE, it is

ORDERED

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

Dated at Madison, Wisconsin, this 27th day of February, 1975

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Thomas L. Yaeger
Thomas L. Yaeger, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS

A hearing in the above entitled matter was scheduled to begin at 10:00 a.m. on February 24, 1975, at Madison, Wisconsin on a complaint of unfair labor practices, alleging that Respondent, inter alia, violated its collective bargaining agreement and refused to meet with Complainant in the grievance procedure with respect to the alleged contract violations. The scheduled opening of the hearing was delayed approximately 50 minutes awaiting the arrival of Complainant, and during said period the undersigned attempted to contact Complainant's representative without success.

At approximately 10:50 a.m. the undersigned opened the hearing and the Respondent made a motion to dismiss the complaint with prejudice inasmuch as the Complainant did not appear in order to prosecute said complaint. The record reveals that the Complainant was served by certified mail with Notice of Hearing on January 24, 1975.

In response to an inquiry by the undersigned, the Respondent indicated its willingness to process a grievance pertaining to the violations of contract alleged in the subject complaint of unfair labor practices.

In view of the above circumstances, the accompanying Order Granting Motion to Dismiss was granted.

Dated at Madison, Wisconsin, this 27th day of February, 1975.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Thomas L. Yaeger, Examiner

No. 13285-A