

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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| FRANCIS G. WASH, | : | |
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| Complainant, | : | |
| | : | Case VIII |
| vs. | : | No. 21287 Ce-1712 |
| | : | Decision No. 15221-A |
| NEKOOSA PAPERS, INC., | : | |
| | : | |
| Respondent. | : | |
| | : | |

ORDER DENYING MOTION TO DISMISS,
GRANTING MOTION TO MAKE COMPLAINT
MORE DEFINITE AND CERTAIN, EXTENDING
DATE FOR ANSWER AND SETTING NEW HEARING DATE

Francis G. Wash, hereinafter Complainant, having on January 26, 1977, filed a complaint with the Wisconsin Employment Relations Commission alleging that Nekoosa Papers, Inc., hereinafter Respondent, has committed prohibited practices within the meaning of the Wisconsin Employment Peace Act; and the Commission having appointed Dennis P. McGilligan, Examiner to make and issue Findings of Fact, Conclusions of Law and Order; and Respondent on February 9, 1977 having filed a Motion To Dismiss and in the alternative a Motion To Make Complaint More Definite And Certain; and Complainant having filed no response to the above Motions; and the Examiner being advised in the premises makes and issues the following

ORDER

1. That Respondent's Motion To Dismiss be, and the same hereby is, denied.
2. That Complainant make his complaint more definite and certain with respect to allegations contained therein by stating a clear and concise statement of the facts constituting the alleged unfair labor practice and by stating the specific section of 111.06 of the Wisconsin Statutes allegedly violated by Respondent with regard to said facts.

And furthermore, that Complainant filed the above information with the Commission and serve a copy of same upon Respondent on or before March 21, 1977; and that the date for filing an Answer is hereby extended to March 31, 1977; and that hearing in the matter is hereby rescheduled to Monday, April 4, 1977, commencing at 10:00 a.m. at the Wood County Courthouse, Wisconsin Rapids, Wisconsin.

Dated at Madison, Wisconsin this 2nd day of March, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
 Dennis P. McGilligan, Examiner

MEMORANDUM ACCOMPANYING ORDER DENYING
MOTION TO DISMISS AND GRANTING MOTION TO MAKE
COMPLAINT MORE DEFINITE AND CERTAIN,
EXTENDING DATE FOR ANSWER AND SETTING NEW HEARING DATE

Complainant filed his complaint on January 26, 1977. Thereafter on February 9, 1977 Respondent timely filed Motions to dismiss and to make the complaint more definite and certain. The Complainant made no response to the above motions.

The Examiner has denied Respondent's Motion To Dismiss on the grounds that it is premature, the evidence at this time does not support said Motion and because the complaint presents a contested case, 1/ requiring a full hearing on the pleadings. 2/

The Commission, in its rules at ERB 12.02(2)(c) established that a complaint must contain among other things:

"A clear and concise statement of the facts constituting the alleged prohibited practice or practices including the time and place of occurrence of particular acts and the sections of the act alleged to have been violated thereby."

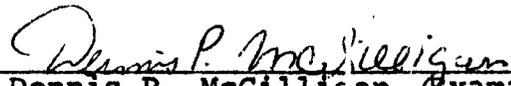
The Examiner has granted Respondent's Motion To Make More Definite And Certain in order to comply with the Commission's rules. Furthermore, the Examiner has directed Complainant to specify the section or sections of the Wisconsin Employment Peace Act which it alleges were violated by Respondent.

The Examiner has extended date for Answer and set a new hearing date in the matter in order to facilitate the direction of the above Order.

Dated at Madison, Wisconsin this 2nd day of March, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Dennis P. McGillican, Examiner

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- 1/ Wisconsin Statutes, Section 111.07(2)(a), Section 111.07(4), Section 227.
- 2/ Mutual Fed. Savings & Loan Assoc. v. Savings & Loan Adv. Comm.; (1968) 38 Wis. 2d 381; State ex rel. City of LaCrosse v. Rothwell, (1964) 25 Wis. 2d 228, rehearing denied; Town of Ashwaubenon v. Public Service Commission (1964) 22 Wis. 2d 38, rehearing denied; State ex rel. Ball v. McPhee (1959) 6 Wis. 2d 190; General Electric Co. v. Wisconsin Employment Relations Board (1957) 3 Wis. 2d 227, 241.