

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MR. RHUDOLPH MAPP,

Complainant,

vs.

J. I. CASE COMPANY,

Respondent.

Case XIV

No. 21641 Ce-1730

Decision No. 15503-A

ORDER OF DISMISSAL

A complaint of unfair labor practices having been filed with the Wisconsin Employment Relations Commission by Mr. Rhudolph Mapp, wherein he alleged J. I. Case Company had committed an unfair labor practice 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 May 18, 1977, with return receipt for said notice having been executed on behalf of Complainant on May 19, 1977; and hearing having been commenced by the undersigned on July 15, 1977 at Racine, 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 with prejudice.

Dated at Madison, Wisconsin, this 5th day of December, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Robert M. McCormick
Robert M. McCormick, Examiner

MEMORANDUM ACCOMPANYING ORDER OF DISMISSAL

At outset of hearing the Examiner granted Respondent's motion to dismiss on grounds of Complainant's lack of prosecution. However, the Examiner overruled Respondent's objection to a condition adopted by the Examiner to the issuance of a written order of dismissal, namely, that the Examiner first would send a copy of the abbreviated transcript to the Complainant by certified mail and thereafter only consider reopening of hearing in the interest of justice, if Complainant immediately furnished the Commission with a substantive reason for his failure to appear on July 15, 1977.

The Examiner hereby rescinds the ruling on Respondent's limited objection, and has issued the attached Order of Dismissal with prejudice. A copy of the abbreviated transcript of record as well as a copy of the attached Order have been dispatched for service upon the Complainant, by certified mail, on this date, at his last known address.

Dated at Madison, Wisconsin, this 5th day of December, 1977.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Robert M. McCormick, Examiner