

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ERNEST H. EICK III,

Complainant,

vs.

UNIFIED SCHOOL DISTRICT OF RACINE

Respondent.

Case XLV

No. 22897 MP-850

Decision No. 16341-D

ORDER GRANTING MOTION TO DISMISS

The above-named Complainant, on April 13, 1978, having filed a complaint of prohibited practices with the Wisconsin Employment Relations Commission; and the Commission having appointed the undersigned to act as Examiner in the matter; and the Examiner, on May 2, 1978, having issued an Order to Make Complaint More Definite and Certain; and in response the Complainant, on May 9, 1978, having filed a letter with the Wisconsin Employment Relations Commission stating additional facts regarding the matter; and subsequently on May 23, 1978 the Respondent having filed a Motion to Make Complaint More Definite and Certain; and the Examiner on May 25, 1978, having issued an Order granting the aforesaid Motion to Make Complaint More Definite and Certain; and the Examiner, on June 5, 1978, having received a copy of the Complainant's response to the aforementioned Order dated May 25, 1978 from the Respondent; and thereafter on June 8, 1978 the Respondent having filed an Answer in the matter along with a Motion to Dismiss and a Motion to Decline Jurisdiction; and the Examiner having issued an Order on June 19, 1978 inter alia granting in part and denying in part the aforesaid Motion to Dismiss, denying the Motion to Decline Jurisdiction and Directing Complanant to Make Complaint More Definite and Certain; and the Examiner on July 10, 1978, having received a copy of the Complainant's response to the above Order dated June 19, 1978 from the Respondent along with Motion from the Respondent to Dismiss; and the Examiner having considered the matter;

NOW, THEREFORE, it is

ORDERED

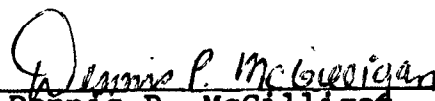
1. That the motion to dismiss in regard to the following items be, and the same hereby is, granted:

- a. The remaining portions of paragraph 3 of the original complaint not already dismissed by the Order dated June 19, 1978.
- b. Paragraph 4 of the original complaint.
- c. Paragraph number "4" of the amended complaint filed May 9, 1978 with the Commission.

Dated at Madison, Wisconsin this 11th day of July, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By


Dennis P. McGilligan, Examiner

MEMORANDUM ACCOMPANYING ORDER GRANTING
MOTION TO DISMISS

The Examiner has granted Respondent's motion to dismiss on the basis that the activity alleged to have constituted a prohibited practice occurred more than one year prior to the date upon which the complaint was filed, therefore precluding the Commission from finding such activity a prohibited practice. 1/

Dated at Madison, Wisconsin this 11th day of July, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Dennis P. McGilligan
Dennis P. McGilligan, Examiner

1/ City of Milwaukee (13093) 10/74; City of Sheboygan (12134-A, B) 11/74.