

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LEONARD A. TOKUS, BRUCE D. SCHRIMPF,
JOYCE E. BORKENHAGEN and JOHN J. DOLL,

Complainants,

vs.

NANCY NEWBURY, Administrator, Equal
Rights Division and THOMAS W. DALE,
Director, Legal Service Bureau, Equal
Rights Division, Department of Industry,
Labor and Human Relations and STATE OF
WISCONSIN,

Respondents.

Case VII
No. 23343 PP(S)-53
Decision No. 16487-D

ORDER TO SHOW CAUSE WHY COMPLAINT
SHOULD NOT BE DISMISSED

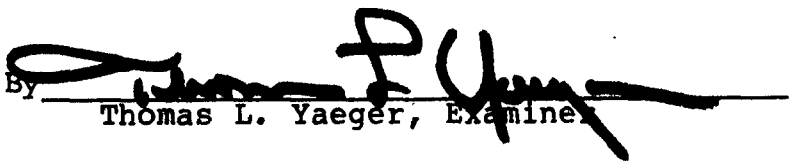
Leonard A. Tokus, Bruce D. Schrimpf, Joyce E. Borkenhagen and John J. Doll, herein Complainants, having, on July 31, 1978, filed a complaint of unfair labor practices with the Wisconsin Employment Relations Commission, wherein they allege Nancy Newbury and Thomas W. Dale, of the Department of Industry, Labor and Human Relations, State of Wisconsin, herein Respondents, have committed certain unfair labor practices; and the Commission, on August 7, 1978, having appointed Thomas L. Yaeger, a member of the Commission's staff, to act as Examiner in the matter; and Complainants having on October 6, 1978, moved to amend said complaint to add the State of Wisconsin as a Respondent; and the Examiner having, on October 9, 1978, granted said motion; and, thereafter, on October 11, 1978, the Examiner having ordered Complainants to further amend said complaint on or before October 25, 1978, to make same more definite and certain; and on November 6, 1978, Respondents having moved to dismiss said complaint because of Complainants' failure to amend same as ordered by the Examiner; and inasmuch as on November 6, 1978, the Examiner having received via return mail to sender, the aforementioned order sent to counsel for Complainants via United States certified mail, return receipt requested, showing same had been "unclaimed" by counsel, makes and issues the following

ORDER

IT IS HEREBY ORDERED that, Complainants herein, show cause, in writing, within fourteen (14) days from the date hereof, why the complaint filed herein should not be dismissed with prejudice on the basis that Complainants have not complied with the Examiner's order to amend the complaint filed herein.

Dated at Madison, Wisconsin this 7th day of November, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Thomas L. Yaeger, Examiner

MEMORANDUM ACCOMPANYING
ORDER TO SHOW CAUSE WHY COMPLAINT
SHOULD NOT BE DISMISSED

The Examiner's order to amend complaint dated October 11, 1978, was sent to the address given by Complainants' counsel on the appearance filed with the Examiner on October 6, 1978. Said order was returned to the Examiner by the United States Postal Service wherein it advised that same was not claimed by counsel when first delivery was attempted nor after having been given two written notices to pick-up said order. The materials were thereafter returned to the Examiner and received by him on the same date that Respondents' Motion to Dismiss was served on the Examiner.

Dated at Madison, Wisconsin this 7th day of November, 1978.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By 
Thomas L. Yaeger, Examiner