

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BROWN COUNTY SOCIAL SERVICES  
PROFESSIONAL EMPLOYEES ASSOCIATION,

Complainant,

vs.

BROWN COUNTY and  
DONALD J. HOLLOWAY,

Respondents.

Case XCV  
No. 27001 MP-1167  
Decision No. 18253-A

ORDER DENYING MOTION TO DISMISS

The above-named Complainant having on November 5, 1980 filed a complaint with the Wisconsin Employment Relations Commission alleging that Brown County and Donald J. Holloway, hereinafter the Respondents, have committed prohibited practices within the meaning of the Municipal Employment Relations Act; and the Commission having appointed Dennis P. McGilligan, Examiner, to make and issue Findings of Fact, Conclusions of Law and Order; and Respondents on December 23, 1980, having filed a Motion To Dismiss; and the Examiner being advised in the premises makes and issues the following

ORDER

1. That Respondents' Motion To Dismiss be, and the same hereby is, denied.

Dated at Madison, Wisconsin, this 29th day of December, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Dennis P. McGilligan  
Dennis P. McGilligan, Examiner

MEMORANDUM ACCOMPANYING  
ORDER DENYING MOTION TO DISMISS

The Examiner has denied Respondents' Motion To Dismiss on the grounds that it is premature, and because the complaint presents a contested case, 1/ requiring a full hearing on the pleadings. 2/

Dated at Madison, Wisconsin, this 29th day of December, 1980.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BY Dennis P. McGilligan  
Dennis P. McGilligan, 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.