

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

RESPONDENT.

ORDER DENYING MOTION TO DISMISS

The above named Complainant having on September 23, 1981, filed a complaint with the Wisconsin Employment Relations Commission alleging that Kenosha Auto Transport Corporation has committed unfair labor practices within the meaning of the Wisconsin Employment Peace Act; and the Commission having appointed Edmond J. Bielarczyk, Jr., Examiner, to make and issue Findings of Fact, Conclusions of Law and Order as provided in Section 111.07, Wisconsin Statutes; and hearing in the matter having been scheduled for November 23, 1981; and pursuant to the Complainant's request the hearing having been postponed pending the parties attempts to voluntarily resolve the issue; and hearing having been rescheduled for May 14, 1982 and rescheduled to July 1, 1982; and Respondent having on June 16, 1982, having filed a Motion to Dismiss; 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.

Dated at Madison, Wisconsin this 17th day of June, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By

Edmond J. Bielarczyk, Jr., Examiner

MEMORANDUM ACCOMPANYING ORDER
DENYING MOTION TO DISMISS

The Examiner has denied Respondent's 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 17th day of June, 1982.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Edmond J. Bielarczyk, Jr.
Edmond J. Bielarczyk, Jr., Examiner

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- 1/ Wisconsin Statutes, Section 111.07(2)(a), Section 111.07(4), Section 227.
- 2/ Joint School District No. 1, Glidden, Wisc. et al., (15490-A); 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.