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WISCONSIN EMPLOYMENT
RELATIONS COMMISSION

Marilyn L. Graves

Clerk

August 26, 1986

To:

Dennis J. Weden
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Milwaukee, WI 53202

Alvin R. Ugent
307 E. Michigan St., Ste. 315
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Madison,

Clerk of Circuit Court
Milwaukee, WI 53233

Hon. Clarence R. Parrish
Milwaukee, WI 53233

David C. Rice
✓ Asst. Attorney General

You are hereby notified that the Court entered the following opinion and order:

Decision No.
19212-B

#86-1192 - West End Community Association (f/k/a West Side
Community Center) v. Wisconsin Employment
Relations Commission (L.C. No. 636-255)

Before Moser, P.J., Wedemeyer and Sullivan, JJ.

On May 5, 1986, the circuit court entered its final order in this case. On May 13, 1986, the Wisconsin Employment Relations Commission filed a notice of entry of judgment that shortened the appeal time to forty-five days. The forty-five days expired on June 19, 1985. The notice of appeal was filed with the clerk of the court of appeals on June 24, 1986.

The respondent, the commission, moves the court to dismiss the appeal on the ground that it was not timely

filed. The appellant argues that because the notice of appeal was mailed to the court, three days should be added to the appeal time pursuant to sec. 801.15(5), Stats.

The additional three days provided by sec. 801.15(5), Stats., is not available to a party appealing under secs. 808.03(1) and 808.04(1), Stats. Fredrick v. City of Janesville, 91 Wis. 2d 572, 577-78, 283 N.W.2d 480, 483 (Ct.App. 1979), rev. on other grounds, 92 Wis. 2d 685 (1979).

Upon the foregoing reasons,

IT IS ORDERED that the motion to dismiss is granted.

Marilyn L. Graves
Clerk of Court of Appeals