

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JEFFREY M. GONYO,

Complainant,

vs.

TRUCKER'S & TRAVELER'S
RESTAURANT,

Respondent.

Case II
No. 31844 Ce-1983
Decision No. 20880-D

Appearances:

Mr. Mark A. Silverman, Attorney at Law, 610 North Water Street, Suite 110,
Milwaukee, Wisconsin 53202, on behalf of the Complainant.

Mr. Robert W. Mulcahy, Mulcahy & Wherry, S.C., Attorneys at Law, 815 East
Mason Street, Suite 1600, Milwaukee, WI 53202-4080, on behalf of the
Respondent.

ORDER GRANTING PETITION FOR REHEARING
AND AMENDING NOTICE OF COMMISSION'S FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER PURSUANT TO
SECTION 111.07(5), STATS.

The Wisconsin Employment Relations Commission having, on April 12, 1984, issued a Notice of Commission's Findings of Fact, Conclusions of Law and Order Pursuant to Section 111.07(5), Stats., in the above-entitled matter whereby it notified the parties that Robert M. McCormick's March 19, 1984, Findings of Fact, Conclusions of Law and Order had become the Commission's Findings of Fact, Conclusions of Law and Order by operation of Sec. 111.07(5), Stats.; and said Notice having recited that, in his decision, Examiner McCormick had found that the above-named Respondent did not commit any unfair labor practices; and Complainant having, on April 23, 1984, filed a petition for rehearing pursuant to Sec. 227.12, Stats., asserting that the Commission's Notice had incorrectly characterized Examiner McCormick's decision and requesting that the Commission modify its Notice to reflect Examiner McCormick's determination that the exercise by Region 30-NLRB of its jurisdiction over matters relating to the discharge of Complainant Jeffrey Gonyo operates to preempt the Commission from asserting its jurisdiction to regulate the Respondent's conduct; and said petition having further requested "that he be reimbursed the costs for filing a claim with the WERC, which agency mistakenly informed the petitioner that it would have jurisdiction over his claim even though he had a claim pending before the NLRB"; and the Respondent herein having elected not to file a response to said petition for rehearing; and the Commission having considered the matter and concluded that it is appropriate to grant said petition for the purposes of amending its Notice to more accurately reflect the decision issued by Examiner McCormick;

NOW, THEREFORE, it is

ORDERED 1/

1. That the petition for rehearing is granted.

1/ Pursuant to Sec. 227.11(2), Stats., the Commission hereby notifies the parties that a petition for judicial review naming the Commission as Respondent, may be filed by following the procedures set forth in Sec. 227.16(1)(a), Stats.

227.16 Parties and proceedings for review. (1) Except as otherwise specifically provided by law, any person aggrieved by a decision specified in s. 227.15 shall be entitled to judicial review thereof as provided in this chapter.

(Continued on page two)