STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DISTRICT 10, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, AFL-CIO,	
Complainant,	Case 49 No. 33908 Ce-2008
vs.	Decision No. 22481-B
LADISH COMPANY,	•
Respondent.	:

Appearances:

Goldberg, Previant, Uelmen, Gratz, Miller & Brueggeman, S.C., Attorneys at Law, by Mr. Scott D. Soldon, 788 North Jefferson Street, Milwaukee, Wisconsin 53202, on behalf of the Union.

Quarles & Brady, Attorneys at Law, by <u>Mr. Fred G. Groiss</u>, 780 North Water Street, Milwaukee, Wisconsin 53202, on behalf of the Company.

ORDER SETTING ASIDE EXAMINER'S FINDINGS OF FACT, CONCLUSION OF LAW AND ORDER AND DISMISSING COMPLAINT AND PETITION FOR COMMISSION REVIEW

On October 3, 1984, the above-named Complainant filed an unfair labor practice complaint with the Wisconsin Employment Relations Commission against the above-named Respondent. The Commission appointed Amedeo Greco to serve as Examiner in the matter. Following a hearing, the Examiner issued Findings of Fact, Conclusion of Law and Order in the matter on September 23, 1985. Thereafter Respondent timely filed a petition for Commission review of the Examiner's decision.

Thereafter, the parties engaged in settlement discussions. On January 9, 1986, the parties submitted a written Stipulation to the Commission wherein they requested that the Commission set aside the Examiner's Findings of Fact, Conclusion of Law and Order and dismiss the unfair labor practice complaint and the petition for review.

On the basis of the parties' Stipulation, the Commission is satisfied that the Examiner's decision should be set aside and that the complaint and the petition for Commission review should be dismissed.

NOW, THEREFORE, the Commission makes and issues the following

ORDER 1/

1. Pursuant to the joint request of the parties, Examiner Greco's Findings of Fact, Conclusion of Law and Order in this matter dated September 23, 1985, shall be, and hereby are, set aside.

227.12 Petitions for rehearing in contested cases. (1) A petition for rehearing shall not be prerequisite for appeal or review. Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition for rehearing which shall specify in detail the grounds for the relief sought and supporting authorities. An agency may order a rehearing on its own motion within 20 days after service of a final order. This subsection does not apply to s. 17.025 (3)(e). No agency is required to conduct more than one rehearing based on a petition for rehearing filed under this subsection in any contested case.

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^{1/} Pursuant to Sec. 227.11(2), Stats., the Commission hereby notifies the parties that a petition for rehearing may be filed with the Commission by following the procedures set forth in Sec. 227.12(1) and 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.

2. The unfair labor practice complaint filed by Complainant on October 3, 1984, shall be, and hereby is, dismissed.

3. The petition for Commission review filed in this matter by Respondent shall be, and hereby is, dismissed.

Given under our hands and seal at the City of Madison // Wisconsin this 24th day of January, 1986. SAN EMPLOYMENT RELATIONS COMMISSION -Herman Torosian, Chairman autall R 101 Marshall L. Gratz, Commissioner) ours lance Danae Davis Gordon, Commissioner

1/ (Continued)

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.

(a) Proceedings for review shall be instituted by serving a petition therefor personally or by certified mail upon the agency or one of its officials, and filing the petition in the office of the clerk of the circuit court for the county where the judicial review proceedings are to be held. Unless a rehearing is requested under s. 227.12, petitions for review under this paragraph shall be served and filed within 30 days after the service of the decision of the agency upon all parties under s. 227.11. If a rehearing is requested under s. 227.12, any party desiring judicial review shall serve and file a petition for review within 30 days after service of the order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for The 30-day period for serving and filing a petition under this rehearing. paragraph commences on the day after personal service or mailing of the decision by the agency. If the petitioner is a resident, the proceedings shall be held in the circuit court for the county where the petitioner resides, except that if the petitioner is an agency, the proceedings shall be in the circuit court for the county where the respondent resides and except as provided in ss. 182.70(6) and 182.71(5)(g). The proceedings shall be in the circuit court for Dane county if the petitioner is a nonresident. If all parties stipulate and the court to which the parties desire to transfer the proceedings agrees, the proceedings may be held in the county designated by If 2 or more petitions for review of the same decision are the parties. filed in different counties, the circuit judge for the county in which a petition for review of the decision was first filed shall determine the venue for judicial review of the decision, and shall order transfer or consolidation where appropriate.

(b) The petition shall state the nature of the petitioner's interest, the facts showing that petitioner is a person aggrieved by the decision, and the grounds specified in s. 227.20 upon which petitioner contends that the decision should be reversed or modified.

(c) Copies of the petition shall be served, personally or by certified mail, or, when service is timely admitted in writing, by first class mail, not later than 30 days after the institution of the proceeding, upon all parties who appeared before the agency in the proceeding in which the order sought to be reviewed was made.

Note: For purposes of the above-noted statutory time-limits, the date of Commission service of this decision is the date it is placed in the mail (in this case the date appearing immediately above the signatures); the date of filing of a rehearing petition is the date of actual receipt by the Commission; and the service date of a judicial review petition is the date of actual receipt by the Court and placement in the mail to the Commission.