

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TILE, MARBLE, TERRAZZO,
FINISHERS, SHOPWORKERS &
GRANITE CUTTERS LOCAL
UNION 47,

Complainant,

vs.

JOHN H. GASSMAN,

Respondent.

Case 1
No. 39200 Ce-2064
Decision No. 24893-A

ORDER DENYING MOTION TO DISMISS

Tile, Marble, Terrazzo, Finishers, Shopworkers & Granite Cutters Local Union 47, herein Complainant, having on August 3, 1987, filed a complaint of unfair labor practices with the Wisconsin Employment Relations Commission, wherein it alleged that John H. Gassman, herein Respondent, has committed unfair labor practices within the meaning of Sec. 111.06(1)(a),(c),(d) and (f) of the Wisconsin Employment Peace Act; and Respondent, having on August 25, 1987, filed an Answer to the Complaint and Motion to Dismiss; and the Commission having on October 19, 1987, appointed Coleen A. Burns, a member of its staff, to act as Examiner; and the Examiner having considered the matter;

NOW, THEREFORE, it is


ORDERED

That the Motion to Dismiss is denied.

Dated at Madison, Wisconsin this 4th day of November, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By



Coleen A. Burns, Examiner

JOHN H. GASSMAN

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/ and that the Respondent may reassert the Motion at the hearing.

Dated at Madison, Wisconsin this 4th day of November, 1987.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By *Coleen A. Burns*
Coleen A. Burns, Examiner

1/ Wisconsin Statutes, Sec. 111.07(2)(a), Sec. 111.07(4), Sec. 227.

2/ Mutual Fed. Saving & 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.