

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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DISTRICT 10, INTERNATIONAL ASSOCIATION	:	
OF MACHINISTS AND AEROSPACE WORKERS,	:	
	:	
Complainant,	:	
	:	
and	:	Case 13
	:	No. 40785 Ce-2071
	:	Decision No. 26144-E
JOANN CHRISTIAN,	:	
	:	
Intervenor-Complainant,	:	
	:	
vs.	:	
	:	
BRANDT, INC.,	:	
	:	
Respondent.	:	
	:	

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Appearances:

Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., Attorneys at Law, by Mr. Matthew R. Robbins, 788 North Jefferson Street, Milwaukee, Wisconsin 53202, for the Complainant.  
 Quarles and Brady, Attorneys at Law, by Messrs. David B. Kern and Donald L. Schriefer, 411 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, for the Respondent.  
 Kelly and Haus, Attorneys at Law, by Mr. William Haus, 121 East Wilson Street, Madison, Wisconsin 53703-3422, for Intervenor-Complainant.

ORDER DISMISSING PETITION FOR REVIEW

Examiner Jane B. Buffett having on September 4, 1990 issued an Order Denying Union's Request to Withdraw the Complaint and Requiring Union and Intervenor-Complainant to State Position; and Complainant District 10 having on September 25, 1990 filed a petition for review with the Wisconsin Employment Relations Commission asking that the Examiner's Order be set aside and that the Commission grant District 10's Motion to Withdraw its complaint; and Respondent Brandt and Complainant-Intervenor having filed written responses to the petition, the last of which was received October 16, 1990; and the Commission having considered the matter and concluded that it will not exercise its discretionary authority to review the Examiner's Order;

NOW, THEREFORE, it is

ORDERED

That the petition for review is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin this 28th day of November, 1990.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By \_\_\_\_\_  
A. Henry Hempe, Chairman

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Herman Torosian, Commissioner

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William K. Strycker, Commissioner

BRANDT, INC.

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION FOR REVIEW

Unlike the Order Dismissing Complaint which we reviewed in Dec. No. 26144-A, the Examiner's decision is not a "final" disposition of the parties' dispute as to which a non-discretionary right to Commission review exists. As we decline to exercise our discretionary power to entertain the Complainant District 10's petition for review of the Examiner's interlocutory

decision, 1/ we have dismissed the petition. If the case is ultimately decided in a final manner which Complainant District 10 believes to be incorrect, Complainant District 10 is free to file another petition for review at that time raising whatever issues it deems appropriate.

Dated at Madison, Wisconsin this 28th day of November, 1990.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By \_\_\_\_\_  
A. Henry Hempe, Chairman

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Herman Torosian, Commissioner

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William K. Strycker, Commissioner

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1/ State of Wisconsin, Dec. No. 11457-C, D (WERC, 3/73), aff'd State of Wisconsin v. WERC, 65 Wis.2d 624 (1974); Milwaukee County, Dec. No. 19545-D (WERC, 3/85); City of Beloit, Dec. No. 25917-C (WERC, 10/89).