

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

 :
 JAMES FEIERABEND, :
 :
 Complainant, :
 :
 vs. : Case 25
 : No. 46926 MP-2563
 : Decision No. 27216-B
 HAROLD R. JUSTMAN, SUPERINTENDENT OF :
 SCHOOLS, and THE WESTON SCHOOL DISTRICT, :
 :
 Respondents. :
 :

Appearances:

Mr. James Feierabend, Route 1, P.O. Box 268, Cazenovia, Wisconsin 53924,
 appearing in his own behalf.
 Lathrop & Clark, by Mr. Ronald J. Kotnik, 122 West Washington Avenue,

Suite

AMENDED FINDINGS OF FACT,
CONCLUSIONS OF LAW AND ORDER

Amedeo Greco: Hearing Examiner: I issued my decision in this matter on October 16, 1992, finding, inter alia, that Respondents Harold R. Justman and the Weston School District terminated Complainant James Feierabend without just cause in contravention of Section 111.70(3)(a)(5) Stats.

They thus were ordered to make him whole by paying to him a "sum of money, including all benefits, that he otherwise would have earned from January 28, 1992 to the conclusion of the school year on June 30, 1992, less any money that he earned or could have earned during said period".

Since he did not request it in his prayer for relief, said Order did not require Respondents to pay interest on whatever amount of money it owes Feierabend.

Inasmuch as the payment of such interest is part of a standard make-whole remedy, however, and since there is no reason why it should not be paid here, I am hereby modifying said Order to provide for same pursuant to ERB. 12.08 which enables a Hearing Examiner "on his [sic] own motion. . ." to modify any such decision and Order within twenty (20) days of its issuance.

As a result, Paragraph 1. C, of the Order is hereby amended to read:

- C. They shall make whole James Feierabend by paying to him a sum of money, plus interest on that amount at the rate of twelve percent (12%) per year, and all benefits, that he otherwise would have earned from January 28, 1992, to the conclusion of the school year on June 30, 1992, less any money that he earned or could have earned during said period.

Dated at Madison, Wisconsin this 4th day of November, 1992.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Amedeo Greco /s/
Amedeo Greco, Examiner