

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TEAMSTERS "GENERAL" LOCAL NO. 200,	:	
	:	
Complainant,	:	Case 1
	:	No. 48101 Ce-2131
vs.	:	Decision No. 27536-B
	:	
MARIGOLD FOODS, INC.,	:	
	:	
Respondent.	:	
	:	

Appearances:

Previant, Goldberg, Uelmen, Gratz, Miller & Brueggeman, S.C., by Mr. Michael, Best & Friedrich, Attorneys at Law, 100 East Wisconsin Avenue,

John J. Milwau

ORDER DISMISSING PETITION FOR REVIEW

Examiner Daniel J. Nielsen having, on April 19, 1993, issued an Order Denying Motion to Dismiss; and Marigold Foods, Inc. having, on May 7, 1993, filed a petition for review with the Commission asking that the Examiner's Order be reversed; and Teamsters "General" Local No. 200 having filed a response in opposition to the petition on May 24, 1993; and the Commission having considered the matter and concluded it will not exercise its discretionary authority to review the Examiner's Order;

NOW, THEREFORE, it is

ORDERED

Marigold Foods, Inc.'s petition for review is dismissed.

Given under our hands and seal at the City of Madison, Wisconsin this 15th day of June, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By A. Henry Hempe /s/
A. Henry Hempe, Chairperson

Herman Torosian /s/
Herman Torosian, Commissioner

William K. Strycker /s/
William K. Strycker, Commissioner

No. 27536-B

MARIGOLD FOODS, INC.

MEMORANDUM ACCOMPANYING ORDER DISMISSING PETITION FOR REVIEW

The petition seeks Commission review of the Examiner's denial of Marigold's Motion to Dismiss. The Examiner's decision is not a "final" disposition of the parties' dispute as to which a non-discretionary right to Commission review exists. 1/ As we decline to exercise our discretionary power to entertain Marigold's petition for review of the Examiner's interlocutory

1/ City of Beloit, Dec. No. 25917-C (WERC, 10/89); G & H Products, Inc., Dec. No. 17630-B (WERC, 1/82); Jefferson Board of Education, Dec. No. 13648-B (WERC, 1/76).

decision, 2/ we have dismissed the petition. If the case is ultimately decided in a final manner which Marigold believes to be incorrect, Marigold is free to file another petition for review at that time raising whatever issues it deems appropriate.

Dated at Madison, Wisconsin this 15th day of June, 1993.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By A. Henry Hempe /s/
A. Henry Hempe, Chairperson

Herman Torosian /s/
Herman Torosian, Commissioner

William K. Strycker /s/
William K. Strycker, Commissioner

2/ 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).