

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

PAUL F.X. SCHWARTZ,	:	
	:	
Complainant,	:	
	:	
vs.	:	Case 15
	:	No. 48169 Ce-2132
	:	Decision No. 27550-C
REV. DANE RADECKI; PREMONTRE HIGH	:	
SCHOOL, INC.; NOTRE DAME de la BAIE	:	
ACADEMY, INC. and the	:	
PREMONSTRATENSIAN FATHERS,	:	
	:	
Respondents.	:	
	:	

Appearances:

Mr. Paul F. X. Schwartz, 2118 Lakeland Avenue, Madison, WI 53704, appearing pro se.  
Liebmann, Conway, Olejniczak & Jerry, S.C., by Mr. Donald L. Romundson, 231 South Adams Street, P.O. Box 23200, Green Bay, WI 54305-3200, appearing on behalf of the Respondents.

ORDER DENYING MOTION TO REVERSE

By letter dated November 18, 1993, Examiner Christopher Honeyman advised the parties to the above matter that he was proceeding to hearing.

On November 30, 1993 Complainant filed a motion with the Wisconsin Employment Relations Commission asking the Commission to review the Examiner's decision to proceed to hearing without resolving a jurisdictional argument raised by Complainant.

On December 2, 1993, Respondents filed a statement in opposition to the Motion.

The Commission has considered the matter and concluded that it will not exercise its discretionary authority to review the Examiner's decision to proceed to hearing.

NOW, THEREFORE, IT IS

ORDERED

Complainant Paul F.X. Schwartz's Motion is denied.

Given under our hands and seal at the City of  
Madison, Wisconsin this 31st day of January,  
1994.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

Herman Torosian /s/  
Herman Torosian, Commissioner

Commissioner Strycker did not participate.

Premontre High School

MEMORANDUM ACCOMPANYING ORDER DENYING  
MOTION TO REVERSE

Complainant's petition seeks Commission review of the Examiner's decision to proceed to hearing. 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 the Complainant's motion for review of the Examiner's interlocutory decision, 2/ we have denied the motion. If the case is ultimately decided in a final manner which the Complainant believes to be incorrect, the Complainant is free to file a petition for review at that time raising whatever issues he deems appropriate.

However, we do acknowledge that it may become appropriate for the Commission or a court to ultimately address issues regarding subject matter jurisdiction over Respondents. Thus, in the proceedings before the Examiner, we ask the parties and the Examiner to develop any factual record necessary for resolution of any jurisdictional issue.

Dated at Madison, Wisconsin this 31st day of January, 1994.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

Herman Torosian /s/  
Herman Torosian, Commissioner

Commissioner Strycker did not participate.

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- 1/ G & H Products, Inc., Dec. No. 17630-B (WERC, 1/82); Jefferson Board of Education, Dec. No. 13648-B (WERC, 1/76).
- 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), Wisconsin Dells School District, Dec. No. 25997-A (WERC, 6/89); City of Beloit, Dec. No. 25917 (WERC, 10/89).