

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DANIEL B. SMITH,

Complainant,

vs.

MILWAUKEE PUBLIC SCHOOLS, VIEAU  
ELEMENTARY SCHOOL, M. LOURDES TOVAR,  
ANDREW PATTERSON, DR. MYRA VACHON,  
DR. C. EDWARD LAWRENCE, MS. BARBARA  
HORTON, MR. ROBERT JASNA, DR. HOWARD  
FULLER,

Respondents.

Case 294

No. 51379 MP-2922

Decision No. 28336-B

ORDER DENYING MOTION TO DISQUALIFY HEARING EXAMINER

Complainant Daniel B. Smith ("Smith"), has moved to disqualify the undersigned as the Hearing Examiner in this and a related case, Milwaukee Teachers' Education Association, Case 305, No. 52063, MP-2978, on the grounds that: 1) the Wisconsin Employment Relations Commission appointed the undersigned to the two cases "with a clear intention of consolidating the cases ahead of time"; and 2) the undersigned has "failed to clarify whether he has illegally consolidated the two cases or not."

Having considered the matter, I issue the following

ORDER

Said motion is hereby denied.

Given under my hand and seal at the City of Madison, Wisconsin,  
this 26th day of July, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Amedeo Greco /s/  
Amedeo Greco, Examiner

No. 28336-B

MILWAUKEE PUBLIC SCHOOLS, VIEAU ELEMENTARY SCHOOL,  
M. LOURDES TOVAR, ANDREW PATTERSON, DR. MYRA VACHON,  
DR. C. EDWARD LAWRENCE, MS. BARBARA HORTON,  
MR. ROBERT JASNA, DR. HOWARD FULLER

MEMORANDUM ACCOMPANYING ORDER  
DENYING MOTION  
TO DISQUALIFY HEARING EXAMINER

There is no merit to Complainant Smith's claim that the undersigned is disqualified to hear the merits of this case since: 1) the Wisconsin Employment Relations Commission, in fact, has had no discussions whatsoever with me as to whether the two cases should or should not be consolidated; and 2) I have, in fact, clearly communicated to Smith that these cases are not being consolidated.

Smith's motion is thereby denied.

Dated at Madison, Wisconsin, this 26th day of July, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By Amedeo Greco /s/  
Amedeo Greco, Examiner