

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

GERHARDT J. STEINKE,

Complainant,

vs.

MILWAUKEE AREA TECHNICAL COLLEGE, ET
AL.,

Respondents.

Case 456

No. 53078 MP-3067

Decision No. 28562-C

Appearances:

Mr. Gerhardt J. Steinke, 4642 West Bernhard Place, Milwaukee, Wisconsin 53216, appearing pro se.

Michael, Best & Friedrich, Attorneys at Law, by Mr. John A. Busch, 100 East Wisconsin Avenue, Milwaukee, Wisconsin 53202-4108, appearing on behalf of certain named Respondents.

Shneidman, Myers, Dowling & Blumenfield, Attorneys at Law, by Mr. Timothy E. Hawks, P.O. Box 442, Milwaukee, Wisconsin 53201-0442, appearing on behalf of certain named Respondents.

Godfrey & Kahn, S.C., Attorneys at Law, by Mr. Robert W. Burns, 333 Main Street, Suite 600, P.O. Box 13067, Green Bay, Wisconsin 54307-3067, appearing on behalf of certain named Respondents.

vonBriesen & Purtell, S.C., Attorneys at Law, by Mr. Brent P. Benrud, 411 East Wisconsin Avenue, Suite 700, Milwaukee, Wisconsin 53202-4470, appearing on behalf of certain named Respondents.

ORDER DENYING MOTION
FOR EXTENSION OF TIME TO FILE
PETITION FOR REVIEW

On December 8, 1995, Examiner Lionel L. Crowley of the Wisconsin Employment Relations Commission issued an Order Granting Motions to Dismiss in the above matter wherein he dismissed a complaint filed by Gerhardt J. Steinke. On December 11, 1995, the Commission received a facsimile transmission from Steinke requesting an extension of the time established by

No. 28562-C

Sec. 111.07(5), Stats., for the filing of a petition for review of Examiner Crowley's Order. An original of that request was received by the Commission on December 12, 1995.

The Commission has reviewed the request and concludes that the only extension of time authorized by Sec. 111.07(5), Stats., 1/ is for "exceptional delay in the receipt of a copy of any

1/ Section 111.07(5), Stats., provides:

(5) The commission may authorize a commissioner or examiner to make findings and order. Any party in interest who is dissatisfied with the findings or order of a commissioner or examiner may file a written petition with the commission as a body to review the findings or order. If no petition is filed within 20 days from the date that a copy of the findings or order of the commissioner or examiner was mailed to the last-known address of the parties in

interest, such findings or order shall be considered the findings or order of the commission as a body unless set aside, reversed or modified by such commissioner or examiner within such time. If the findings or order are set aside by the commissioner or examiner the status shall be the same as prior to the findings or order set aside. If the findings or order are reversed or modified by the commissioner or examiner the time for filing petition with the commission shall run from the time that notice of such reversal or modification is mailed to the last-known address of the parties in interest. Within 45 days after the filing of such petition with the commission, the commission shall either affirm, reverse, set aside or modify such findings or order, in whole or in part, or direct the taking of additional testimony. Such action shall be based on a review of the evidence submitted. If the commission is

findings or order". Given the date on which Steinke filed his request, it is apparent that there was no exceptional delay in his receipt of Examiner Crowley's Order. Therefore, we make and issue the following

satisfied that a party in interest has been prejudiced because of exceptional delay in the receipt of a copy of any findings or order it may extend the time another 20 days for filing a petition with the commission.

ORDER

The motion requesting an extension of time to file a petition for review is denied.

Given under our hands and seal at the City of Madison, Wisconsin,
this 22nd day of December, 1995.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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

Herman Torosian /s/
Herman Torosian, Commissioner

James R. Meier /s/
James R. Meier, Commissioner