

STATE OF WISCONSIN

BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARK BENZING,

Complainant,

vs.

BLACKHAWK TECHNICAL COLLEGE,

Respondent.

Case 61

No. 54276 MP-3190

Decision No. 28846-C

Appearances:

Mr. Mark J. Benzing, 2022 Dewey Avenue, Beloit, Wisconsin, 53511, appearing pro.se.
Godfrey & Kahn, S.C., Attorneys at Law, by Mr. Peter L. Albrecht, 131 West Wilson
Street, P.O. Box 1110, Madison, Wisconsin, 53701-1110, appearing on behalf of
Blackhawk Technical College.

ORDER GRANTING PETITION FOR REHEARING

On May 2, 1997, Examiner Lionel L. Crowley issued Findings of Fact, Conclusions of Law and Order with Accompanying Memorandum, in the above-entitled matter determining that the above-named Respondent had not committed prohibited practices within the meaning of Secs. 111.70(3)(a)3 or 1, Stats. He therefore dismissed the complaint.

Five days after the expiration of the 20-day statutory period set forth in Sec. 111.07(5), Stats., for the filing of a Petition for Review, the Complainant filed a Petition for Review. On June 3, 1997, Commission issued a Notice of Commission's Findings of Fact, Conclusions of Law and Order Pursuant to Section 111.07(5), Stats., indicating that the Examiner's decision had become Commission's by operation of Sec. 111.07(5), Stats., because no timely petition for review had been filed.

On June 18, 1997, Complainant filed a Petition for Rehearing. On July 8, 1997, Respondent filed a written statement in opposition to the Petition.

No. 28846-C

Having considered the matter, the Commission is persuaded that it should grant the Petition for Rehearing to allow the Commission to determine whether it has made material errors of law or fact.

NOW, THEREFORE, it is

ORDERED

The Petition for Rehearing is granted.

Given under our hands and seal at the City of Madison, Wisconsin, this 15th day of July 1997.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

By James R. Meier /s/
James R. Meier, Chairperson

A. Henry Hempe /s/
A. Henry Hempe, Commissioner

Paul A. Hahn /s/
Paul A. Hahn, Commissioner