

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DAVID R. RASMUSSEN, Complainant,

vs.

**WESTON TEACHERS' ASSOCIATION,
SOUTH CENTRAL UNITED EDUCATORS, and
WISCONSIN EDUCATION ASSOCIATION**, Respondent.

Case 31
No. 54868
MP-3267

Decision No. 29341-A

**ORDER GRANTING MOTION TO MAKE
COMPLAINT MORE DEFINITE AND CERTAIN**

David R. Rasmussen filed a complaint with the Wisconsin Employment Relations Commission on February 11, 1997, *pro se*, which alleged that the Weston Teachers' Association, South Central United Educators and the Wisconsin Education Association had committed prohibited practices by failing to represent him in a disciplinary matter with his employer, the Weston School District. Thereafter, the complaint was held in abeyance until Rasmussen notified the Commission that he desired to proceed to hearing. On March 31, 1998, the Commission appointed Raleigh Jones, a member of its staff, to act as Examiner in this matter and to make and issue Findings of Fact, Conclusions of Law and Order, as provided in Sec. 111.70(5), Stats. Hearing on the complaint is set for June 16, 1998. On April 10, 1998, the Respondents filed a Motion to Make Complaint More Definite and Certain. The Examiner did not receive any statement from Complainant concerning said motion. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

1. Complainant Rasmussen shall amend his complaint to specify:

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- a. which factual allegations contained in the complaint are attributable to the Weston Teachers' Association and form the basis for a claim against it;
- b. which factual allegations contained in the complaint are attributable to the South Central United Educators and form the basis for a claim against it; and
- c. which factual allegations contained in the complaint are attributable to the Wisconsin Education Association and form the basis for a claim against it.

2. The Complainant's amended complaint shall be filed with the Examiner and a copy shall be mailed to:

Mr. Robert C. Kelly
Kelly & Kobelt
Attorneys at Law
122 East Olin Avenue
Suite 195
Madison, WI 53713

on or before May 19, 1998.

Dated at Madison, Wisconsin, this 23rd day of April, 1998

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Raleigh Jones /s/
Raleigh Jones, Examiner

WESTON SCHOOL DISTRICT

**MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO
MAKE COMPLAINT MORE DEFINITE AND CERTAIN**

Wisconsin Administrative Code, Section ERC 12.02(2)(c) provides that a complaint must contain, inter alia:

A clear and concise statement of the facts constituting the alleged prohibited practice or practices including the time and place of occurrence of particular acts and the sections of the act alleged to have been violated thereby.

The complaint alleges violations of Sections 111.70(2) and (3)(b)1, 2, and 3, Stats., by each of the three named Respondents. However, the factual allegations contained in the complaint are set forth narratively and do not specify the acts attributable to each named Respondent which might form the basis for a claim against each named Respondent. This requires the Respondents to speculate as to those allegations which may or may not be attributable to each of them, and which may or may not give rise to a claim or claims against each of them.

The Complainant is therefore directed to amend his complaint to specify which factual allegations are attributable to each of the three named Respondents and form the basis for the claim against them. In my view, this information is needed to make the complaint conform with the Wisconsin Administrative Code set forth above, and to enable the Respondents to prepare a defense.

Dated at Madison, Wisconsin, this 23rd day of April, 1998

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Raleigh Jones /s/
Raleigh Jones, Examiner

gjc
29341-A.D

