

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-B

**ORDER DENYING MOTION TO MAKE AMENDED
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 motion was granted on April 23, 1998. On May 19, 1998, counsel for the Complainant filed an amended complaint. On May 21, 1998, the Respondents filed a Motion to Make Amended Complaint More Definite and Certain. Complainant filed a statement in response to said motion on May 27, 1998. The Examiner, being fully advised in the premises, makes and issues the following

ORDER

The motion to make the amended complaint more definite and certain is denied.

Dated at Madison, Wisconsin, this 1st day of June, 1998

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Raleigh Jones /s/
Raleigh Jones, Examiner

WESTON SCHOOL DISTRICT

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

The background pertinent to this motion is as follows. The Complainant filed his original complaint *pro se*. The factual allegations contained in the complaint were set forth narratively and did not specify the acts attributable to each named Respondent which might be the basis for a claim against each named Respondent.

The Respondents previously filed a Motion to Make Complaint More Definite and Certain. I granted the motion on April 23, 1998. In doing so, I directed the Complainant to amend his complaint to specify:

- 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.

The Complainant, now represented by counsel, has filed an amended complaint. The Complainant's amended complaint contains three numbered paragraphs. Like the original complaint, all the factual allegations in it are set forth narratively. The Respondents contend that "the Amended Complaint, even as redrafted by Complainant's counsel, is still so indefinite as to hamper and prevent the Respondents, and each of them, from fairly and adequately responding thereto." The Complainant disagrees.

At issue here is whether the complaint has to be redrafted again. I find it does not for the following reason. The amended complaint specifies which factual allegations are attributable to each of the three named Respondents and form the basis for the claim against each of them. That being so, the Complainant has complied with my order of April 23, 1998. In my view, the amended complaint now passes muster and satisfies the requirements established in Wisconsin Administrative Code, Section ERC 12.02(2)(c) for a valid complaint. The Respondents' motion has therefore been denied.

The date for filing an Answer to the Amended Complaint is hereby extended from June 2, 1998 to June 9, 1998.

Dated at Madison, Wisconsin, this 1st day of June, 1998

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Raleigh Jones /s/
Raleigh Jones, Examiner

