

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

FELICIANO YNOCENCIO, JR., Complainant,

vs.

UNITED AUTO WORKERS LOCAL 72, Respondent.

Case 1
No. 56679
Ce-2191

Decision No. 29431-D

Appearances:

Mr. Feliciano Ynocencio, Jr., 5210 Admiralty Avenue, Racine, Wisconsin 53406, appearing on his own behalf.

Murphy, Gillick, Wicht & Prachthausen, by **Attorney George F. Graf,** Blue Mound Centre, 22370 West Bluemound Road, Suite 204, Waukesha, Wisconsin 53186, appearing on behalf of United Auto Workers Local 72.

ORDER DENYING PETITION FOR REHEARING

On July 11, 2003, the Wisconsin Employment Relations Commission issued an Order Affirming Examiner's Order Dismissing Complaint in the above matter wherein we concluded that the Examiner did not err when denying Ynocencio's request for a postponement and dismissing his complaint when he did not present any evidence.

On July 30, 2003, Ynocencio filed a petition for rehearing stating the following:

1. My attorney, Michelle Danielson, did not appear for my hearing on February 14, 2003.
2. I was never notified, nor was the Court, by my attorney, Michelle Danielson, that she would not be appearing on that day.
3. In my attorney's possession were all my legal documents that indicated that the Union discriminated against me along with other material facts.
4. My attorney, Michelle Danielson, did not subpoena Union records for the last twenty-five (25) years that showed all the grievances taken beyond the second step as I requested.

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5. The documents listed in No. 4 would have proven that drug dealers and murders got their jobs back.
6. I feel as though Local 72 and the company intentionally discriminated against me so I could not get my job back.

On August 11, 2003, Respondent United Auto Workers Local 72 filed a statement in opposition to the petition.

Section 227.49(3), Stats., provides that rehearing will be granted only on the basis of:

- (a) Some material error of law.
- (b) Some material error of fact.
- (c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

Reviewing our July 11, 2003 decision, we are satisfied that we did not make material errors of law or fact. We are also satisfied that we have either already considered the evidence cited by Ynoncencio in his petition or that the evidence is not:

. . . sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 21st day of August, 2003.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Judith Neumann /s/

Judith Neumann, Chair

Paul Gordon /s/

Paul Gordon, Commissioner

Susan J. M. Bauman /s/

Susan J. M. Bauman, Commissioner