

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

SANDRA LEA BENEDICT, Complainant,

vs.

WAUSAU INSURANCE COMPANY, Respondent.

Case 58
No. 59329
MP-3694

Decision No. 30018-D

SANDRA LEA BENEDICT, Complainant,

vs.

**WISCONSIN EDUCATION ASSOCIATION COUNCIL (WEAC),
EAU CLAIRE ASSOCIATION OF EDUCATORS (ECAE)
and EAU CLAIRE AREA SCHOOL DISTRICT**, Respondents.

Case 59
No. 59333
MP-3696

Decision No. 30019-D

SANDRA LEA BENEDICT, Complainant,

vs.

**COREGIS INSURANCE COMPANY, HORACE MANN INSURANCE COMPANY,
MADISON NATIONAL LIFE INSURANCE COMPANY, AMERICAN FIDELITY
INSURANCE COMPANY, AMERICAN MERCURY INSURANCE COMPANY, and
AMERICAN INSURANCE GROUP (AIG)**, Respondents.

Case 60
No. 59334
MP-3697

Decision No. 30020-D

Dec. No. 30018-D
Dec. No. 30019-D
Dec. No. 30020-D

Appearances:

Sandra Lea Benedict, 3642 Livingston Lane, Eau Claire, WI 54701, appearing on her own behalf.

Steve A. Cotton, Law Offices of Stilp & Cotton, 2100 Stewart Avenue, Suite 200, Wausau, Wisconsin 54402-0808, appearing on behalf of Wausau Insurance Company.

John D. Finerty, Jr., Michael, Best & Friedrich, 100 East Wisconsin Avenue, Suite 3300, Milwaukee, Wisconsin 53202-4108, appearing on behalf of American Fidelity Insurance Company, and American Mercury Insurance Company.

James M. Ward, Weld, Riley, Prenn & Ricci, S.C., 3624 Oakwood Hills Parkway, Eau Claire, Wisconsin 54702-1030, appearing on behalf of Eau Claire Area School District (School District).

Anthony L. Sheehan, Staff Counsel, Wisconsin Education Association Council, P.O. Box 8003, Madison, Wisconsin 53708-8003, appearing on behalf of the Wisconsin Education Association Council and the Eau Claire Association of Educators.

Charles H. Bohl, Whyte, Hirschboeck Dudek, S.C., 111 East Wisconsin Avenue, Milwaukee, Wisconsin 53202, appearing on behalf of Coregis Insurance Company.

Melissa L. Greipp, Kravit, Gass, Hovel & Leitner, S.C., 825 North Jefferson, Milwaukee, Wisconsin 53202, appearing on behalf of Horace Mann Insurance Company and American Insurance Group (AIG).

Mark E. Colbert, Attorney at Law, 6004 Woodland Drive, Waunakee, Wisconsin 53597, appearing on behalf of Madison National Life Insurance Company.

ORDER DENYING PETITION FOR REHEARING

On October 17, 2003, the Wisconsin Employment Relations Commission issued an Order Affirming Examiner's Findings of Fact, Affirming in part and modifying in part Examiner's Conclusions of Law and Affirming Examiner's Order wherein the Commission affirmed Examiner Emery's dismissal of Complainant Benedict's complaint. The cover letter accompanying the decision advised Ms. Benedict that she had the right to file a petition for rehearing pursuant to Sec. 227.49, Stats.1/ within 20 days of October 17, 2003.

1/ Section 227.49(3) provides:

- (3) *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.*
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On November 4, 2003, Ms. Benedict filed a document with the Commission entitled Petition for Review Regarding Disclosure Concerns. The Commission advised the parties that it would treat the document as a petition for rehearing and invited responses thereto-the last of which was received November 21, 2003.

Having reviewed the matter, we are persuaded that we did not make a material error of law or fact and that Ms. Benedict has not cited any new evidence sufficiently strong to reverse or modify our Order.

NOW, THEREFORE, it is

ORDERED

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 26th day of November, 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

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30020-D