

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

CURTIS J. HELM, Complainant,

vs.

DENNIS BOWERS, DIANE KNECHT and HENRY PARISI, Respondents.

Case 1
No. 64414
Ce-2239

Decision No. 31267-C

Appearances:

Curtis J. Helm, 12603 North Park Drive, Mequon, Wisconsin 53092, appearing on his own behalf.

Sean Scullen, Quarles & Brady, LLP, Attorneys at Law, 411 East Wisconsin Avenue, Suite 2040, Milwaukee, Wisconsin 53202-4497, appearing on behalf of Dennis Bowers, Diane Knecht and Henry Parisi.

ORDER DENYING PETITION FOR REHEARING

On June 21, 2005, Examiner Daniel Nielsen issued an Order Dismissing Complaint With Accompanying Memorandum in the above matter wherein he concluded that the conduct alleged in the complaint filed by Curtis J. Helm did not involve a “controversy as to employment relations” within the meaning of Sec. 111.06(2)(j), Stats. and therefore that the complaint did not state a claim as to which the Wisconsin Employment Relations Commission could grant relief.

By operation of Sec. 111.07(5), Stats., the Examiner’s Order became the Commission’s Order on July 12, 2005 and the Commission issued a Notice to that effect on July 19, 2005. In that Notice, the Commission noted that it had received an untimely petition for review from Helm on July 13, 2005.

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On August 5, 2005, Helm filed a petition for rehearing pursuant to Sec. 227.49, Stats. and the parties thereafter filed written argument in support of and opposition to the petition until August 26, 2005.

Section 227. 49 (3), Stats. provides that:

- (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.

In his petition for rehearing, Helm asserts that the Order Dismissing Complaint With Accompanying Memorandum is premised on a material error of law. We have reviewed the Order and conclude that the legal analysis contained therein and the resultant dismissal of the complaint are correct. Helm also asserts that the Examiner and Commission committed various procedural errors and/or behaved inappropriately. We have also considered those assertions and reject same.

Given all of the foregoing, we conclude we have no basis under Sec. 227.49(3), Stats. for granting the petition for rehearing and therefore we issue the following

ORDER

The petition for rehearing is denied.

Given under our hands and seal at the City of Madison, Wisconsin, this 31st day of August, 2005.

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

