

STATE OF WISCONSIN      CIRCUIT COURT      FLORENCE COUNTY

LISA M. GRIBBLE,

Petitioner,

Case No. 11 CV 24

VS

AUTHENTICATED COPY  
NUMBER.....11024.....

JAN 26 2012

WISCONSIN EMPLOYMENT RELATIONS  
COMMISSION, LABOR ASSOCIATION OF  
WISCONSIN, INC., and FLORENCE COUNTY,  
WISCONSIN,

PAULA CORAGGIO-Clerk of Court  
Florence County, WI

Respondents.

Decision No. 32435-F

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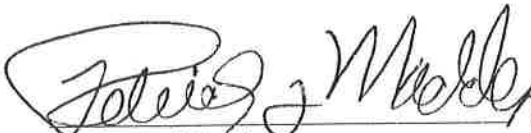
**DECISION and ORDER**

The Court, having received and reviewed all of the briefs submitted by the parties, and having reviewed the briefs and authorities cited, finds that the standard of review is set forth in Florence County's brief. The Court agrees that the WERC held that the LAW had not breached its duties of fair representation to the Petitioner as to her January 19<sup>th</sup>, 2007, grievance and did not commit a prohibited practice under Wisconsin Statute 111.70(3)(b)1. Accordingly, the WERC did not assert jurisdiction over Petitioner's claim that the county violated the collective bargaining agreement; therefore, addressed here is only the duty of the fair representation claim and the resulting decision of the WERC with respect to it.

The Court finds that the agency's finding of fact are conclusive on appeal if they are supported by credible and substantial evidence, Milwaukee Board of School Directors vs WERC, 2008 WI App 125, 313 Wis.2d 525, 758 N.W.2d 814, citing Wisconsin Statute 102.23 (6). Credible evidence is that evidence which excludes speculation or conjecture, and evidence is substantial if a reasonable person relying on the evidence might make the same decision. The Court finds the evidence supporting the WERC's decision affirming dismissal of the Petitioner's complaint is supported by credible and substantial evidence.

The Court finds that absent a clear showing of abuse of discretion, the Court is without authority to substitute its decision for that of the commission. The commission acted appropriately within its statutory authority, therefore, the Court affirms the WERC's decision and denies the motion.

Dated: 1/24/12

  
Patrick J. Madden  
Circuit Judge