PERSONNEL BOARD

OF

STATE OF WISCONSIN GEORGE E. MCGILVRA, * Appellant, ORDER v. JOHN C. WEAVER, President, DISMISSAL University of Wisconsin, Respondent. Case No. 73-120

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On June 27, 1973, the Appellant filed a timely appeal of his discharge as an engineer in the Electrical Engineering Department at the University of Wisconsin in Madison. A prehearing conference on the case was scheduled for August 1, 1973, but was postponed at the request of Robert C. Kelly of Madison, who then represented the Appellant. The matter was set for conference on August 15, 1973, but was again postponed at Mr. Kelly's request to enable him to go over the matter thoroughly with the Appellant. Appellant waived his back pay claim during the continuance.

On September 17, 1973, the matter was again set for a conference. Mr. Kelly appeared for the Appellant and indicated that he was attempting to settle the matter to the mutual satisfaction of the parties, and requested that the matter be held open for that purpose.

On April 23, 1974, the matter was again noticed for conference. day before the appointed time for the conference, the Appellant wrote the Board "Please postpone this matter. I intend to take it under advisement." Appellant did not appear at the conference. Subsequently, the Appellant wrote the Board that his reason for not appearing was that his employment in the Milwaukee area made it impossible for him to appear at the conference. On May 25, 1974, the Board wrote the Appellant a letter advising him that notwith tanding his employment, if he did not appear at the conference rescheduled for June 11, 1974, the Board would conclude that he was not sufficiently interested in his appeal to pursue it further.

The evening before the scheduled conference, the Appellant telephoned the Board's Legal Counsel at his home to advise him that Appellant's employment precluded him from appearing at the conference. Appellant was advised to either contact a lawyer, as Appellant had indicated he intended to do sometime earlier or appear in person or that the case would be dismissed. Appellant did not appear at the appointed time, either by counsel or in person.

We find that Appellant has failed to diligently pursue his appeal by failing to appear at the conference on June 11, 1974, without reasonable excuse, in view of the earlier postponements and in previous non-appearance without sufficient cause.

ORDER

IT IS ORDERED that the Appellant's appeal is dismissed.

Dated

STATE PERSONNEL BOARD

William Ahrens, Chairman