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ROBERT MURPHY, \*

Appellant, \*

v. \*

VERNE KNOLL, Deputy Director, \*

Bureau of Personnel, \*

Respondent. \*

Case No. 75-217 \*

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**OFFICIAL**  
MEMORANDUM AND ORDER

Before: DEWITT, Chairperson, HESSERT, MORGAN, and WARREN, Board Members.

NATURE OF THE CASE

This is an appeal of an action or decision of the director relative to a reclassification matter pursuant to Section 16.05(1)(f), stats. The respondent objected to the subject matter jurisdiction of the board on the grounds that the appeal was untimely under Section 16.05(2), stats.

FINDINGS OF FACT

These findings are based on a number of letters concerning the question of timeliness that the parties have submitted. In reaching these findings we have resolved factual disputes by adopting the appellant's factual allegations. Appellant received notification on November 18, 1975, of a reallocation. On or about December 2, 1975, he discussed this reallocation with Richard Anderson, Job Service Field Representative, Field Operations, Job Service Division. The appellant alleges and we find that he filed a "verbal appeal" at this time. On December 4, 1975, he sent a letter of appeal to the personnel board which was received December 5, 1975. Appellant also alleges and we find that he did not file a written appeal before then because he was scheduled for training away from his headquarters city before that time.

CONCLUSIONS OF LAW

It has repeatedly been held that the fifteen day limit expressed in Section 16.05(2), stats., is jurisdictional and the board has no authority to hear an appeal that has not been received within the required time. See Van Laanen v. Wettengel, Wis. Pers. Bd. 74-17 (1/2/75); Odau v. Personnel Board, 250 Wis. 600 (1947).

In this case, even with any factual questions resolved favorably to the appellant, we conclude that the appeal was untimely and must be dismissed. The appeal was received more than fifteen days after both the effective date of the reallocation and the receipt of notice by the appellant. Assuming appellant stated a verbal agreement with Mr. Anderson on December 2, 1975, this would not have constituted compliance with Section 16.05(2), stats.: "The board shall not grant an appeal . . . unless a written request therefor is received by the board within fifteen days . . . ." (emphasis supplied).

ORDER

It is ordered that this appeal is dismissed.

Dated April 25, 1977.

STATE PERSONNEL BOARD

  
Laurene DeWitt, Chairperson