PERSONNEL BOARD

BRUCE KIRK, * Appellant, OFFICIAL * v. * * JOHN C. WEAVER, President, × University of Wisconsin, × OPINION AND ORDER Respondent. Case No. 75-36

BEFORE: JULIAN, Chairperson, STEININGER, AHRENS, SERPE and WILSON

OPINION

1. Facts

Appellant is a member of the Wisconsin State Employees Union, AFSCME Council 24, AFL-CIO. His discharge from employment was effective March 19, 1975.

An appeal letter was received by this Board's office on April 18, 1975. The letter was sent on behalf of the Appellant by Ronald P. Orth, Wisconsin State Employees Union field representative. The letter was originally dated April 17, 1975, but this date was "whited out" and replaced by "March 28, 1975." The original date is clearly visible from the reverse side of the appeal letter.

The envelope in which the above letter was received was also double dated. One date was April 17, 1975, the other March 28, 1975. Both dates were stamped by the same postal meter (PB865542). A simple check with the U. S. Postal Service verifies that that machine is registered to the Wisconsin State Employees Union.

The backdating of the letter and the double stamping of the envelope infer that the letter was actually typed April 17, 1975. A letter dated April 29, 1975 was sent by the Board to Mr. Orth, asking for an explanation of the date changes. No response from him was made.

¹It is intended that the following facts constitute the Board's findings of facts.

II. Conclusion

Under Section 16.05(2) the Personnel Board's jurisdiction is limited to those appeals which are timely filed. The provision reads in pertinent part:

"The board shall not grant an appeal... unless a written request therefor is received by the board within 15 days after the effective date of the decision, or within 15 days after the appellant is notified of such decision, whichever is later."

This appeal is clearly not timely. Appellant must have had notice of the discharge by March 28, 1975, since that is the date to which the letter and envelope were backdated. The appeal letter was actually typed April 17 and received by the Board April 18, 1975.

Accordingly, the instant appeal is dismissed.

ORDER

IT IS THEREFORE ORDERED That the appeal of the Appellant herein is dismissed.

Dated this 284 day of _

. 1975.

STATE BOARD OF PERSONNEL

BY

ian Chainnana