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 DIANE RENNE,
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 Appellant,
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 v.
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 *
 MANUEL CARBALLO, Secretary,
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 Dept. of Health and Social Services, and
 *
 VERNE KNOLL, Deputy Director,
 *
 State Bureau of Personnel,
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 *
 Respondents.
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 Case No. 75-5
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DECISION AND ORDER

OFFICIAL

Before: JULIAN, Chairperson, STEININGER and DEWITT, Board Members.

DECISION

Grievant is a permanent state employee, whose position is classified as a Social Worker III. In September of 1974 she was voluntarily laterally transferred from the Wisconsin Rapids office to the Fond du Lac office of the Division of Family Services which is part of the Department of Health and Social Services (hereinafter called the Department).

On September 12, 1974 Appellant requested reimbursement for moving expenses. This request was denied by Jeanne Neesvig, Personnel Manager with the Division of Family Services and eventually by William Kuntz, Director of the Bureau of Manpower of the Division of Family Services.

Grievant filed the first step of her grievance on November 6, 1974. That step and the two subsequent ones were denied. On February 3, 1975 Grievant filed the fourth step with this Board's office, appealing the denial.

On March 25, 1975 the Personnel Board requested that the Director investigate this grievance pursuant to the Department's grievance procedure. On May 1, 1975 the Director issued his decision affirming the

Department's action denying the request. By letter dated May 13, 1975 Grievant appealed that decision.

On October 15, 1975 Respondent Carballo filed a motion to dismiss for lack of subject matter jurisdiction.

We have decided to not act on Respondent Carballo's objection until after a hearing on the merits has been held. After the hearing, we will first determine whether we have jurisdiction and on which statutory provision it rests. If we conclude that we have jurisdiction, we will then proceed to decide the merits of the case.

Since Appellant has alleged two possible bases of jurisdiction (Sections 16.05(7) and 16.05(1)(f)), one of which involves a decision of the Director, we hereby deny Respondent Knoll's motion to be struck as a party to this appeal. This motion was made at the September 11, 1975 prehearing conference.

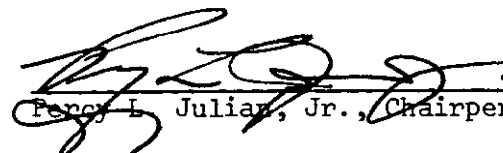
ORDER

IT IS HEREBY ORDERED that Respondent Carballo's motion to dismiss is denied.

IT IS FURTHER ORDERED that Respondent Knoll's motion to be struck as a party to this proceeding is denied.

Dated May 28, 1976.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson