

STATE OF WISCONSIN

STATE PERSONNEL BOARD

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LORAIN MARVIN,

Appellant,

v.

DOUGLAS LAFOLLETTE,
Secretary of State,

Respondent.

Case No. 75-78

* * * * *

OFFICIAL

OPINION AND ORDER

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

FINDINGS OF FACT

The appellant filed an appeal concerning, in part, the reassignment of some of appellant's duties as personnel officer for the office of Secretary of State. In an opinion and order dated December 22, 1975, the board determined that it lacked jurisdiction over this matter as a direct appeal, dismissed the appeal, and remanded it to the director. The director concluded that he lacked jurisdiction by letter dated January 19, 1977. The appellant did not file any further communications with the board until May 4, 1977, following several letters from the board.

CONCLUSIONS OF LAW

The board takes official notice of another decision entered this date in another case involving these same parties, No. 76-2, sustaining the respondent in his layoff of the appellant as a result of the reorganization of the office of the Secretary of State. The decision in that case renders moot this dispute concerning reassignment of appellant's duties.

Furthermore, in its opinion and order entered December 22, 1975, the board dismissed the appeal for lack of jurisdiction but noted: ". . . since an appealable action or decision of the director would provide a potential basis for appeal pursuant to Section 16.05(1)(f), stats., we will not close this file but rather will remand the matter to the director with a request that he investigate the matter and enter an order that would be appealable pursuant to S. 16.05(1)(f), Wis. Stats." On this record there technically is no timely appeal from the director's decision.

ORDER

This appeal is dismissed.

Dated July 22, 1977.

STATE PERSONNEL BOARD


Laurene DeWitt, Chairperson