
 ERNEST WILLIAMS,
 Appellant,
 v.
 MANUEL CARBALLO, Secretary,
 Dept. of Health and Social Services,
 Respondent.
 Case No. 76-120

OFFICIAL
 OPINION AND ORDER

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

NATURE OF THE CASE

This is an appeal of a suspension pursuant to Section 16.05(1)(e), stats., Respondent has raised a number of jurisdictional issues, including that of the timeliness of the appeal.

FINDINGS OF FACT

Inasmuch as the question of timeliness is dispositive of this appeal, we limit these findings to those material to that issue. These findings are based on undisputed matter appearing in the record. The respondent agency suspended appellant, one of its employes, for several days, June 1-June 9, 1976. The appellant appealed to the board in a letter received by the board on June 28, 1976.

CONCLUSIONS OF LAW

An appeal of a suspension under Section 16.05(1)(e), stats., must be received by the board within fifteen days of the effective date or the date notice was received whichever is later, see Section 16.05(2). It has repeatedly been held that this fifteen day limit is jurisdictional and the board has no authority to hear an appeal that has not been received within this 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 the last possible effective date of the suspension was June 9, 1976, and the fifteen days for appeal expired June 24, 1976. Since the appeal was not received by the board until June 28, 1976, it was untimely and must be dismissed.

ORDER

It is ordered that this appeal is dismissed.

Dated April 25, 1977.

STATE PERSONNEL BOARD


Laurene DeWitt, Chairperson