STATE PERSONNEL COMMISSION

ORDER

STATE OF WISCONSIN

This appeal was decided June 16, 1978, by an Opinion and Order sustaining the effective date for reclassification established by the respondent agency and dismissing the appeal. On July 5, 1978, the appellant filed a letter with the Personnel Commission (the successor agency to the Board under Chapter 196, Laws of 1977), which requested that paragraph 10 of the Findings of Fact contained in the June 16, 1978, decision be amended to reflect a different purpose for a May 23, 1977, meeting than was set forth in that paragraph. The appellant included copies of certain notes or "diary of occurrences" compiled by the appellant.

It is unclear from this letter whether the appellant is requesting a formal rehearing. However, since she is requesting more than a correction of a typographical or clerical matter, this can only be accomplished through a rehearing. Therefore, we will interpret her letter as a request for rehearing.

Section 227.12(3), Wis. Stats., provides that a rehearing will be granted only on the basis of:

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- "(a) Some material error of law.
- (b) Some material error of fact.
- (c) The discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously determined by due diligence."

Although the appellant expresses disagreement with finding #10, she does not present any basis for a determination that it constitutes an error of fact other than by referring to witnesses (other women who allegedly attended the meeting) and evidence (her attached notes) that were not presented at the hearing. There was no indication that this "could not have been previously determined by due diligence." Given the clear mandate of the statute cited above, the Commission concludes that it cannot grant a motion for rehearing or amend the findings on the basis of the showing made by the appellant in her request filed July 5, 1978, and it is denied.

Dated: Kuly 25,

. 1978

State Personnel Commission

seph W. Wiley, Chairper

Dated:

_, 1978

Charlotte M. Higbee, Commissioner

Dissent:

ated/ / 19

Edward D. Durkin, Commissioner