STATE OF WISCONSIN

STATE PERSONNEL BOARD

**OFFICIAL** 

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

# NATURE OF THE CASE

This is an appeal pursuant to § 16.05(1)(f), Wis. stats., of the denial of a reclassification request. The respondents have objected to subject matter jurisdiction on the grounds of untimeliness pursuant to § 16.05(2), stats. The Board has reveiwed the entire file. The following findings are based on the appellant's recitations as to the facts relating to timeliness made at the prehearing conference and recorded in the prehearing conference report.

## FINDINGS OF FACT

- 1. The appellant received a reclassification denial letter on November 23, 1977.
- 2. The appellant's appeal letter was postmarked December 9, 1977, and received by the Board on December 12, 1977.

#### CONCLUSIONS OF LAW

1. Pursuant to § 16.05(2), stats., the appellant's appeal letter was required to have been received by the Board within 15 days after November 23, 1977,

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or no later that December 8, 1977.

2. The appellant's appeal was received out of time and the Board lacks jurisdiction.

### OPINION

Section 16.05(2), stats., provides "the board shall not grant on appeal under sub (1) (e) or (f) unless a written request therefore 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 the decision, whichever is later." This provision requires receipt by the Board within the 15 day time period and is jurisdictional in that failure of compliance cuts off the authority of the Board to hear the case. See Olson v. Wettengel, Wis. Pers. Bd. No. 327 (12/22/69); Scott v. Estkowski, Wis. Pers. Bd. No. 379 (1/29/71); Odau v. Personnel Board, 250 Wis. 600 (1947).

## ORDER

This appeal is dismissed as untimely.

Dated: April 11 , 1978

STATE PERSONNEL BOARD

James R. Morgan, Chairperson