

STATE OF WISCONSIN

PERSONNEL COMMISSION

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GREGORY DZIADOSZ,

Appellant,

v.

Secretary, DEPARTMENT OF HEALTH
& SOCIAL SERVICES,

Respondent.

Case No. 78-32-PC

* * * * *

ORDER

The Interim Decision dated February 15, 1980, contained the following statement in the Opinion, at page 5, last sentence of the first paragraph:

"This holding was confirmed by the Commission in Jensen v. UW, Case No. 78-48-PC (7/5/79)."

The Circuit Court appeal of the Jensen case was resolved by a stipulation which included the following proviso:

"5. After remand, and upon petitioner's compliance with the order as agreed in Paragraph 3 above, the Commission agrees to withdraw its decision and order of July 5, 1979, and Jensen agrees to withdraw her appeal filed on or about June 9, 1978. Upon remand, this stipulation shall act to effectuate the withdrawal of both the Commission's decision and order and Jensen's appeal."


On January 23, 1980, the court signed the Order remanding this matter "for further proceedings in accordance with the terms of the Stipualtion." The record was returned to the Commission on April 1, 1980, and the Commission entered an Order on April 25, 1980, which among other things withdrew the July 5, 1979 Decision and Order. By letter dated April 22, 1980, Counsel for the UW-System requested that the Commission amend the February 15, 1980, Interim Decision in this matter to delete the reference to the Jensen decision.


While the situation is not without some ambiguity, the Commission is of the opinion that at least in the context of precedent the citation of the Jensen decision should be deleted.

It is ordered that the Interim Decision dated February 15, 1980, be amended by the deletion of the last sentence of the first paragraph on page 5, which reads as follows: "This holding was confirmed by the Commission in Jensen v. UW, Case No. 78-48-PC (7/5/79)."

Dated May 15, 1980

STATE PERSONNEL COMMISSION


Charlotte M. Higbee
Commissioner


Gordon H. Brehm
Commissioner