

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 DONALD A. SHELTON, *
 *
 Appellant, *
 *
 v. *
 *
 UNIVERSITY OF WISCONSIN, *
 *
 Respondent. *
 *
 Case No. 78-79-PC *
 *
 * * * * *

DISMISSAL
ORDER

NATURE OF THE CASE

This is an appeal pursuant to §230.45(1)(c), Stats., of the termination of appellant's probationary employment with the respondent. This matter is before the commission on respondent's motion to dismiss for failure of prosecution.

FINDINGS OF FACT

1. A prehearing conference was conducted on August 28, 1978.
2. Evidentiary hearings were conducted in this matter before the full commission on October 23, 1978 and February 27, 1979.
3. The appellant appeared at all these proceedings in person and with his representative, Neil Gleason.
4. At the close of the hearing on February 27, 1979, the appellant had completed his testimony on direct examination but had not commenced testimony on cross-examination.
5. At the close of the hearing on February 27, 1979, in the presence of and with the agreement of both Mr. Gleason and the appellant, a new date for hearing of March 14, 1979, at 9 a.m. was established.
6. The appellant failed to appear at the hearing that was convened

March 14, 1979, before the full commission at the appointed time and place.

7. The respondent moved to dismiss the appeal for failure of prosecution.

8. Mr. Gleason stated that he had no explanation for the appellant's failure to appear and that the matter should be decided by the commission following its regular procedures.

CONCLUSIONS OF LAW

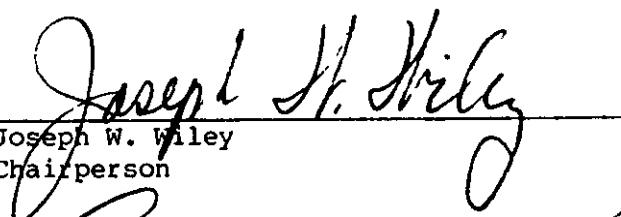
1. The appellant is concluded to be in default.
2. This appeal should be dismissed. See §227.07(5), Stats.

ORDER

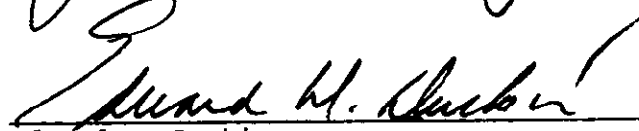
This appeal is dismissed for default and failure of prosecution.

Dated: Mar 14, 1979.

STATE PERSONNEL COMMISSION



Joseph W. Wiley
Chairperson



Edward D. Durkin
Commissioner



Charlotte M. Higbee
Commissioner

AJT:jmg

3/14/79