

STATE OF WISCONSIN

PERSONNEL COMMISSION

* * * * *

R. L. DOMMERSHAUSEN, *

Appellant, *

v. *

Secretary, DEPARTMENT OF *

HEALTH AND SOCIAL SERVICES, *

Respondent. *

Case No. 81-362-PC *

* * * * *

DECISION
AND
ORDER

This appeal was filed with the Commission on September 8, 1981. In his appeal letter the appellant requested:

". . . to appear before the Board on the grounds that Oakhill Correction owes me the following money:

1. \$200.00 - deposit - apartment
2. \$ 80.00 - moving expense
3. \$184.00 - overtime scheduled - July 22, 31

I worked there from June 8 - untill July 21, 1981 when they terminated my employment there on the grounds of sleeping while on duty. I file 3rd step grievance. The Division of Correction investigate it and found that they had no clause to terminate my employment there."

The Commission subsequently advised the appellant that there appeared to be no basis for it to hear an appeal from a probationary termination or from claims to collateral expenses and wages as mentioned in appellant's letter. Appellant responded by arguing that "even that I was on probationary that after investigation that it was found that Oakhill had no cause or ground to terminate my employment."

Based upon the decision of the Wisconsin Court of Appeals, District IV, in Board of Regents of the University of Wisconsin System v. Wisconsin

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Personnel Commission, Case No. 80-1411, and Young v. Wisconsin Personnel Commission, Case No. 80-1684, that the Commission lacks jurisdiction to hear appellant's appeal from his probationary termination, the Commission concludes that it lacks jurisdiction over this appeal. Since the Commission has no jurisdiction over the appeal, it must be dismissed and the Commission cannot hear the case on the merits. The fact that the Division of Corrections may have determined on investigation that the termination was improper is not material to the question of whether there is a statutory basis for the Commission to hear this appeal. The Commission also concludes that it has no independent basis of jurisdiction over the issues of wage and reimbursement matters raised in appellant's letter of appeal.

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ORDER

This appeal is dismissed for lack of subject-matter jurisdiction.

Dated: _____, 1981.

STATE PERSONNEL COMMISSION

Gordon H. Brehm
Chairperson

Charlotte M. Higbee
Commissioner

Donald R. Murphy
Commissioner

KMS:jmg

PARTIES

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