STATE OF WISCONSIN

* * * * * * * * * * * * * * * * DENNIS BIDDLE. * Complainant, . * * v. Secretary, DEPARTMENT OF INDUSTRY, LABOR, AND HUMAN RELATIONS, and Secretary, DEPARTMENT OF HEALTH AND SOCIAL SERVICES, Respondents. Case No. 85-0118-PC-ER * * * * * * * * * * * * * * * *

DECISION AND ORDER ON PETITION FOR REHEARING

Following the entry of a decision and order on August 28, 1985, dismissing Mr. Biddle's complaint of discrimination as untimely filed, Mr. Biddle filed a document on September 19, 1985, which the Commission has construed as a petition for rehearing. This contains in pertinent part the following: "It would appear that the extenuating circumstances would negate the strict compliance with 230.44(3), Stats."

Mr. Biddle has added nothing to the original statement of "extenuating circumstances" discussed in the Commission's August 28, 1985, decision:

"1. There was no knowledge of my right to claim reinstatement of seniority status. 2. It did not become an apparent need until recently to become concerned about classification. My intense concern regarding the prognosis of my health, precluded dwelling on the matter at the time."

The Commission does not wish to appear to in any way minimize Mr. Biddle's personal concerns regarding his health. However, in the Commission's opinion, the "extenuating circumstances" he asserts are not substantial enough under any conceivable definition as "extenuating circumstances" to justify excusing the failure to file (assuming for the

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moment that \$230.44(3), Stats., would permit excusing untimely filing under certain circumstances).

ORDER

The petition for rehearing filed September 19, 1985, is denied.

Dated: September 27, 1985

STATE PERSONNEL COMMISSION

DENNIS P. McGILLIGAN, Chairperson

DONALD R. MURPHY, Commission

McCALLUM,

vic

Parties

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Commissioner