

STATE OF WISCONSIN

PERSONNEL COMMISSION

\* \* \* \* \*

JOHN C. LA PLANTE, \*

Appellant, \*

v. \*

Administrator, DIVISION OF \*

MERIT RECRUITMENT & SELECTION, \*

Respondent. \*

Case No. 87-0168-PC \*

\* \* \* \* \*

INTERIM  
DECISION  
AND  
ORDER

This matter is before the Commission on respondent's motion to dismiss. The parties have been provided an opportunity to submit briefs and the following facts appear to be undisputed.

1. The prehearing conference was convened by telephone on January 5, 1988. After a lengthy discussion, the parties agreed to reconvene the conference at 10:00 a.m. Central Time on January 25, 1988. The appellant agreed to provide a telephone number where he could be reached on January 25th. A memo was sent to the parties on January 5, 1988, setting forth this agreement.

2. By January 25th, the appellant had not provided the Commission with a number where he could be reached for the reconvened conference. At 10:00 a.m. on that date, an effort was made to reach appellant at the telephone number used for the January 5, 1988 conference. The person who answered the telephone stated that the appellant was not there and that he would not be there until the 4:00 p.m. shift.

3. Respondent then moved to dismiss the appeal for lack of prosecution.

4. On January 26, 1988, the Commission received a postcard from the appellant that was postmarked January 21, 1988. The postcard read, in part:

In regard to Case #87-0168-PC teleconference hearing set for 10 a.m. Central Time on Monday, January 25, 1988, please use the following telephone number, 1-502-244-8850.

OPINION

At the time the respondent made its motion to dismiss, there was no indication as to why the appellant had failed to provide a telephone number where he could be reached on January 25, 1988. However, on the following day, the Commission received a postcard that was both dated and postmarked on January 21, 1988, listing a telephone number for the appellant.

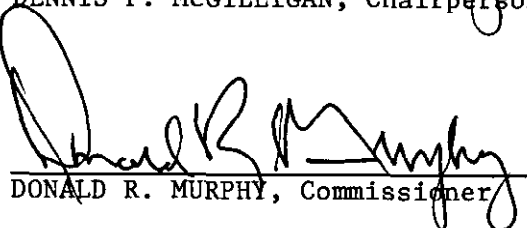
While it would have been preferable if the appellant had mailed the postcard earlier or had telephoned the Commission when he had not received a call at 10:00 a.m. on the 25th, there is insufficient basis for dismissing the appeal where the appellant mailed the requested information four days prior to the date of the conference.


ORDER

The appellant is directed to contact the Commission within 14 days of the date of this order for the purpose of rescheduling the prehearing conference. If that contact is made by mail, the appellant should list at least three dates and times between 8:00 a.m. and 4:00 p.m. within the following three-week period when he will be available for a telephone conference. Appellant is also directed to list the telephone number where he can be reached at those times.

Dated: March 10, 1988 STATE PERSONNEL COMMISSION

  
DENNIS P. MCGILLIGAN, Chairperson

  
DONALD R. MURPHY, Commissioner

  
LAURIE R. McCALLUM, Commissioner

KMS:rcr  
RCR01/2

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