

STATE OF WISCONSIN

PERSONNEL COMMISSION

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KENNETH HENDREE,

Appellant,

v.

Secretary, DEPARTMENT OF  
HEALTH AND SOCIAL SERVICES,

Respondent.

Case No. 91-0015-PC

\* \* \* \* \*

DECISION  
AND  
ORDER

This matter is before the Commission on respondent's motion to dismiss for lack of prosecution. A review of the Commission's file reflects that the appellant failed to appear at a conference scheduled to be held on February 10, 1993. Respondent then filed a motion to dismiss for lack of prosecution. A briefing schedule was established and appellant failed to file any argument or to otherwise respond to the motion.

ORDER

This matter is dismissed for lack of prosecution.

Dated: April 2, 1993 STATE PERSONNEL COMMISSION

  
LAURIE R. McCALLUM, Chairperson

  
GERALD F. HODDINOTT, Commissioner

Parties:

Kenneth Hendree  
4142 Gay Avenue  
Madison, WI 53714

Gerald Whitburn  
Secretary, DHSS  
P.O. Box 7850  
Madison, WI 53707

NOTICE  
OF RIGHT OF PARTIES TO PETITION FOR REHEARING AND JUDICIAL REVIEW  
OF AN ADVERSE DECISION BY THE PERSONNEL COMMISSION

**Petition for Rehearing.** Any person aggrieved by a final order may, within 20 days after service of the order, file a written petition with the Commission for rehearing. Unless the Commission's order was served personally, service occurred on the date of mailing as set forth in the attached affidavit of mailing. The petition for rehearing must specify the grounds for the relief sought and supporting authorities. Copies shall be served on all parties of record. See §227.49, Wis. Stats., for procedural details regarding petitions for rehearing.

**Petition for Judicial Review.** Any person aggrieved by a decision is entitled to judicial review thereof. The petition for judicial review must be filed in the appropriate circuit court as provided in §227.53(1)(a)3, Wis. Stats., and a copy of the petition must be served on the Commission pursuant to §227.53(1)(a)1, Wis. Stats. The petition must identify the Wisconsin Personnel Commission as respondent. The petition for judicial review must be served and filed within 30 days after the service of the commission's decision except that if a rehearing is requested, any party desiring judicial review must serve and file a petition for review within 30 days after the service of the Commission's order finally disposing of the application for rehearing, or within 30 days after the final disposition by operation of law of any such application for rehearing. Unless the Commission's decision was served personally, service of the decision occurred on the date of mailing as set forth in the attached affidavit of mailing. Not later than 30 days after the petition has been filed in circuit court, the petitioner must also serve a copy of the petition on all parties who appeared in the proceeding before the Commission (who are identified immediately above as "parties") or upon the party's attorney of record. See §227.53, Wis. Stats., for procedural details regarding petitions for judicial review.

It is the responsibility of the petitioning party to arrange for the preparation of the necessary legal documents because neither the commission nor its staff may assist in such preparation.