
DENNIS J. SHESKEY,

Petitioner,

v.

Case No. 99 CV 1783

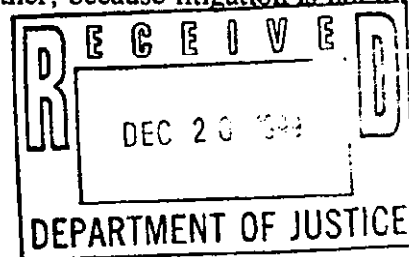
STATE OF WISCONSIN PERSONNEL COMMISSION
and DEPARTMENT OF EMPLOYMENT RELATIONS,Respondents.

DECISION AND ORDER

This is a review pursuant to Wis. Stat. § 227.53 of a decision and order issued on June 30, 1999, by the State of Wisconsin Personnel Commission ("Commission") wherein it denied the petition for rehearing brought by Dennis J. Sheskey. That request was in reference to the Commission's dismissal of Sheskey's case (99-75-PC-ER) on May 24, 1999, for lack of jurisdiction. For the reasons set forth below, the Court affirms the Commission's order dismissing Sheskey's complaint.

A brief recap of the procedural history of this case is in order. Sheskey filed the discrimination complaint in this case with the Commission in order to contest the Commission's dismissal of his case no. 98-54-PC-ER on timeliness grounds. Sheskey alleged that the Commission acted in a discriminatory manner and dismissed his case because of animus towards him due to the number of complaints he has filed with the Commission. On May 24, 1999, the Commission ruled that it lacked jurisdiction over Sheskey's complaint because the pertinent statutes refer to employment discrimination.¹ In reaching this conclusion the Commission noted that Sheskey has never been a Commission employee. Further, because litigation is not a term,

¹See Wis. Stats. § 111.321 and 111.322.



condition or privilege of employment protected under the Fair Employment Act, the Commission's role in Sheskey's cases, and its denial of his complaints, did not constitute a term, condition or privilege of employment.

In the review before this Court, Sheskey argues that the Commission does have jurisdiction because it is an "agency of the State," and renders decisions regarding Sheskey's entitlement to back wages. Therefore, the Commission can also be considered to be his employer.


Sheskey's arguments are without merit. First, the Court is in complete agreement with the Commission that Sheskey is not "a person aggrieved" as required by Wis. Stat. § 227.53, and thus lacks standing to obtain judicial review of the Commission's decision. In its decision of May 24, 1999, and again on June 30, 1999, the Commission thoroughly explained why there was no employer/employee relationship between it and Sheskey, and that its role as a decision maker was not a viable basis for a discrimination complaint.

ACCORDINGLY,

The Commission's Order dismissing Sheskey's complaint is AFFIRMED and the Petition for Review is hereby DISMISSED.

Dated this 16th day of December, 1999.

BY THE COURT:



Hon. Robert R. Pekowsky
Circuit Judge, Branch 5