

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

HOLLY ADAMOVICH, Appellant,

vs.

DEPARTMENT OF HEALTH SERVICES, Respondent.

Case 83
No. 72721
PA(haz)-16

DECISION NO. 34682

ORDER DISMISSING APPEAL AS UNTIMELY FILED

On October 28, 2013, Holly Adamovich filed an appeal with the Wisconsin Employment Relations Commission pursuant to § 230.45(1)(d), Stats., asserting that the Department of Health Services improperly denied her hazardous duty benefits under § 230.36, Stats. The Department then filed a motion to dismiss contending in part that the appeal was untimely. The parties thereafter provided written argument, the last of which was received on November 13, 2013.

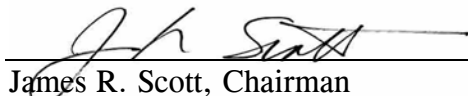
Having considered the matter and being fully advised in the premises, the Commission makes and issues the following

ORDER

The appeal is dismissed.

Signed and sealed at Madison, Wisconsin, this 3rd day of January 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION


James R. Scott, Chairman


Rodney G. Pasch, Commissioner

**MEMORANDUM ACCOMPANYING ORDER DISMISSING
APPEAL AS UNTIMELY FILED**

Section 230.44 (3), Stats., provides:

(3) TIME LIMITS. Any appeal filed under this section may not be heard unless the appeal is filed within 30 days after the effective date of the action, or within 30 days after the appellant is notified of the action, whichever is later.

It is undisputed that on September 17, 2013, Adamovich received a letter from the State informing her that her hazardous duty benefits had ended. Her appeal was filed October 28, 2013. Therefore, her appeal can “not be heard” and is dismissed.¹

Signed and sealed at Madison, Wisconsin, this 3rd day of January 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION



James R. Scott, Chairman



Rodney G. Pasch, Commissioner

¹ Adamovich argues that she needed to see her own doctor before deciding whether to file an appeal and could not do so until October 3, 2013. However, § 230.44(3), Stats., does not extend the time for filing an appeal based on such circumstances.