

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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MICHAEL MARZION, Appellant,

vs.

UNIVERSITY OF WISCONSIN SYSTEM - MILWAUKEE, Respondent.

Case ID: 3.0005

Case Type: PA

DECISION NO. 35429-A

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**Appearances:**

Robert M. Mihelich, Law Offices of Robert M. Mihelich, 2665 S. Moorland Road, Suite 200, New Berlin, Wisconsin, appearing on behalf of Appellant Michael Marzion.

David A. Hart, III, Office of State Employment Relations, 101 E. Wilson Street, 4th Floor, P.O. Box 7855, Madison, Wisconsin, appearing on behalf of Respondent University of Wisconsin System – Milwaukee.

Appellant Michael Marzion was discharged on September 19, 2014, by Respondent University of Wisconsin System – Milwaukee. The discharge letter advised that Marzion could appeal directly to the Wisconsin Employment Relations Commission. On September 26, 2014, Marzion filed an appeal directly with the Commission. By order dated October 23, 2014, the Commission delegated final authority to the undersigned to act on this matter. Subsequently, the University filed a motion to dismiss the appeal based upon a failure to exhaust the administrative process available through the grievance procedure.

**DECISION AND ORDER**

As a result of the recent amendment to § 230.44(1)(c), Stats., the Commission no longer has jurisdiction over direct appeals from adverse employment decisions involving discipline or discharge. We are limited to reviewing those decisions as the final step in the grievance procedure. Thus, in order to gain access to our review, an appellant must exhaust the grievance procedure. The motion to dismiss is denied, however, I issue the following

**ORDER**

This matter is remanded to the University of Wisconsin System – Milwaukee with directions to treat the appeal as a timely filed step one grievance. If the matter is not resolved through the grievance procedure, Marzion may file an appeal to this agency within the specified time limits.

Signed at the City of Madison, Wisconsin, this 28th day of October 2014.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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James R. Scott, Chairman