

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TAMARA STUCZYNSKI, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF VETERANS AFFAIRS, Respondent.

Case ID: 39.0006

Case Type: PA

DECISION NO. 36173

Appearances:

Troy Bauch, Field Representative, AFSCME Wisconsin Council 32, 1190 Ruffedt Road, Cornell, Wisconsin, appearing on behalf of Appellant Tamara Stuczynski.

Michael Gentry, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of State of Wisconsin Department of Veterans Affairs.

DECISION AND ORDER GRANTING MOTION TO DISMISS

Tamara Stuczynski seeks a review of the State of Wisconsin Department of Veterans Affairs' decision to impose a one-day disciplinary suspension. Her appeal was received by the Wisconsin Employment Relations Commission on November 30, 2015. The letter advising her of the denial of her third step grievance is dated October 21, 2015. The letter clearly advises that any appeal to the Commission must be received by the Commission "**within 30 calendar days after the date of DOA/DPM's Step 3 response.**" Regardless of when an employee receives their denial, any appeal must be received within the specified timeframe. All that is required is a simple statement, "I appeal." Here the appeal was received ten days after it was due.

While these deadlines are in the nature of a statute of limitations, subject to equitable tolling, Stuczynski has offered no such argument here.

The fact that Stuczynski may have received the third step response days after the date on the document is irrelevant. Furthermore, Stuczynski was being assisted by a representative who is fully conversant with the time limits of the process.

Here there is no good reason proffered for the delay and, accordingly, we grant the State's motion.

ORDER

The appeal of Tamara Stuczynski is dismissed.

Signed at the City of Madison, Wisconsin, this 23rd day of February 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner