

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

RONICA MCLAUGHLIN, Appellant,

vs.

STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION, Respondent.

Case ID: 315.0001

Case Type: PA

DECISION NO. 36310

Appearances:

Ms. Ronica McLaughlin, 2222 N. 19th Street, #501, Milwaukee, Wisconsin, filed an appeal on her own behalf but failed to appear for the hearing in this matter.

Ms. Terrie Disch and Attorney Amesia N. Xiong, Department of Administration, P.O. Box 7864, Madison, Wisconsin, appeared on behalf of Respondent State of Wisconsin Department of Administration.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On November 30, 2015, Ronica McLaughlin filed an appeal with the Wisconsin Employment Relations Commission, pursuant to § 230.44(1)(d), Stats., asserting that the State of Wisconsin, Department of Administration's (DOA) decision to not select her for a position was illegal or an abuse of discretion. The Commission assigned the appeal to Hearing Examiner Karl R. Hanson who conducted a hearing on February 18, 2016, in Madison, Wisconsin. The parties agreed to the hearing date during a prehearing conference on December 11, 2015. The Commission mailed a notice of hearing to the parties on December 23, 2015. No request for postponement of the hearing was received. McLaughlin failed to appear for the hearing. This is a non-selection appeal and McLaughlin has the burden of proof and of going forward. The hearing was scheduled to start at 9:00 a.m. but, due to traffic congestion around downtown Madison on February 18, 2016, Examiner Hanson waited until 9:30 a.m. to start the hearing. Between 9:00 and 9:30 a.m., Examiner Hanson called McLaughlin at the telephone number she provided in her appeal letter but she did not answer. Upon McLaughlin's non-appearance for the hearing, DOA made a motion for this case to be

dismissed with prejudice based upon McLaughlin's lack of prosecution of her appeal. Subsequently, McLaughlin did not contact Examiner Hanson as to any reason for her failure to appear.

Being fully advised in the premises, the Commission makes and issues the following:

CONCLUSIONS OF LAW

1. The Wisconsin Employment Relations Commission has jurisdiction to review this matter pursuant to § 230.44(1)(d), Stats.
2. McLaughlin has failed to prosecute her appeal.

Based on the above and foregoing Conclusions of Law, the Commission makes and issues the following:

ORDER

DOA's motion to dismiss McLaughlin's appeal with prejudice is granted.

Signed at the City of Madison, Wisconsin, this 16th day of March 2016.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James R. Scott, Chairman

Rodney G. Pasch, Commissioner

James J. Daley, Commissioner