

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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WAYNE STARBIRD, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0215

Case Type: PA

DECISION NO. 36978-A

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**Appearances:**

Sean P. Daley, Field Representative, AFSCME Wisconsin Council 32, P.O. Box 19, Ashippun, Wisconsin, appearing on behalf of Wayne Starbird.

Cara J. Larson, Attorney, Department of Administration, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**ORDER DENYING PETITION FOR REHEARING**

On August 10, 2017, the Wisconsin Employment Relations Commission issued a Decision and Order Granting Motion to Dismiss this matter concluding that the appeal of Wayne Starbird was not timely filed. On August 16, 2017, Starbird filed a petition for rehearing, pursuant to § 227.49, Stats., asserting that the Commission's decision and order was erroneous as a matter of law. We have considered the petition and conclude that our decision and order does not contain any errors of law.

NOW, THEREFORE, it is:

**ORDERED**

The petition for rehearing is denied.

Signed at the City of Madison, Wisconsin, this 12th day of September, 2017.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James R. Scott, Chairman

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James J. Daley, Commissioner