

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DAVID WOODLAND, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0051

Case Type: PA

DECISION NO. 37437-A

Appearances:

David Woodland, 2211 Golden Avenue, Oshkosh, Wisconsin 54904, appearing on his own behalf.

Cara 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 Health Services.

ORDER DENYING PETITION FOR REHEARING

On April 18, 2018, the Wisconsin Employment Relations Commission issued a Decision and Order Granting Motion to Dismiss concluding that the appeal filed by David Woodland was not timely filed. On May 8, 2018, at 10:37 p.m., Woodland filed a petition for rehearing. Because the appeal was filed after 4:30 p.m. on the last day a petition for rehearing could be timely filed, the Commission concludes that the petition is untimely.¹

NOW, THEREFORE, it is:

ORDERED

The petition for rehearing is denied.

Signed at the City of Madison, Wisconsin, this 17th day of May, 2018.

¹Woodland does not contend that he was misled into believing that an email received after 4:30 p.m. was nonetheless timely as long as received prior to midnight. However, if the Commission had concluded that it was appropriate to consider the petition as timely filed, the petition would nonetheless have been denied on the merits because all matters raised by Woodland were either previously considered and properly found to be without merit or could have previously been raised with due diligence. *See* § 227.49(3), Stats.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman