

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

RICHARD PETERSON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0244

Case Type: PA

DECISION NO. 37461-A

---

**Appearances:**

Richard Peterson, 2055 South River Road, Rhinelander, Wisconsin, appearing on his own behalf.

David Rabe and Cara Larson, 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 July 3, 2018, the Wisconsin Employment Relations Commission issued a Decision and Order affirming the one-day suspension of Richard Peterson by the State of Wisconsin Department of Corrections. On July 25, 2018, Peterson filed a petition for rehearing with the Commission. Because the petition was not filed within the 20-calendar day period established by § 227.49(1), Stats., for the timely filing of such a petition, the Commission concludes that the petition is untimely and that it therefore lacks jurisdiction to consider the merits of the petition.

NOW, THEREFORE, it is:

**ORDERED**

The petition for rehearing is denied.

Signed at the City of Madison, Wisconsin, this 10th day of August, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING ORDER**  
**DENYING PETITION FOR REHEARING**

Peterson argues that his July 25, 2018 petition is timely because it was filed within 20 days of his July 6, 2018 receipt of the July 3, 2016 Decision and Order. He complains that receipt of the decision by certified mail significantly reduced the time available for timely filing. The Commission does not find these arguments to be persuasive.

As required by § 227.48(1), Stats., the July 3, 2018 Decision and Order was served on Peterson by mail.<sup>1</sup> Service on Peterson was completed on the date of mailing regardless of when Peterson actually received the Decision and Order. *In re Proposed Incorporation of Pewaukee*, 72 Wis. 2d 593 (1976). Section 227.49(1), Stats., specifies that the period for timely filing a petition for rehearing “is within 20 days after service ...” Thus, the cover letter accompanying the Decision and Order stated that the period for timely filing a petition for rehearing ended on the 20th day after the date the Decision and Order was mailed to Peterson. In this instance, the last date for timely filing was July 23, 2018. Given the foregoing, it is clear Peterson had ample notice as to the timeframe within which a petition could be timely filed. It is also clear that Peterson did not file his petition within that timeframe. Therefore, the petition has been denied.

Signed at the City of Madison, Wisconsin, this 10th day of August, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

James J. Daley, Chairman

---

<sup>1</sup> The Commission uses certified mail so that it can verify that a final decision and the accompanying notice of the rights to file for rehearing and/or for judicial review are actually received. Here, contrary to Peterson’s assertion, it is clear that use of certified mail did not unduly delay Peterson’s actual receipt of the Decision and Order.