

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

TERRANCE WILLIAMS, Appellant

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent

Case ID: 1.0235

Case Type: PA

DECISION NO: 37474

Appearances:

Terrance Williams, 2104 LaSalle Street, Racine, Wisconsin, appearing on his own behalf.

Makda Fessahaye, Assistant General Counsel, Department of Corrections, 3099 East Washington Avenue, P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On February 14, 2018, Terrance Williams filed an appeal with the Wisconsin Employment Relations Commission regarding the decision of the State of Wisconsin Department of Corrections (DOC) not to interview him for a position. On April 16, 2018, DOC filed a motion to dismiss the appeal. The parties thereafter filed argument, the last of which was received on July 5, 2018.

Having considered the matter, the Commission concludes that the motion to dismiss should be granted.

NOW, THEREFORE, it is:

ORDERED

The appeal filed by Terrance Williams is dismissed.

Signed at the City of Madison, Wisconsin, this 24th day of July, 2018.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

The State of Wisconsin Department of Corrections seeks dismissal of Terrance Williams' appeal as being untimely filed and raising matters which the Commission does not have jurisdiction to review. Williams asserts his appeal was timely and that the Commission does have jurisdiction.

Section 230.44(3), Stats., states:

(3) TIME LIMITS. Any appeal filed under this section may not be heard unless the appeal is filed within 30 days after the effective date of the action, or within 30 days after the appellant is notified of the action, whichever is later.

Williams contends that he did not have a definite basis for filing an appeal until January 12, 2018. His appeal was filed on February 14, 2018, 33 days later. Because the appeal was not filed within 30 days, it "may not be heard" and is hereby dismissed.¹

Signed at the City of Madison, Wisconsin, this 24th day of July, 2018.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

¹ Having granted the motion to dismiss on this basis, the Commission need not reach a decision on the issue of whether it had subject matter jurisdiction.