

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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REID AARON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF VETERANS AFFAIRS, Respondent.

Case ID: 39.0010

Case Type: PA

DECISION NO. 37763

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**Appearances:**

Reid Aaron, 2594 Leopold Way, #309, Sun Prairie, Wisconsin, appearing on his own behalf.

Anfin Jaw, 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 Veterans Affairs.

**ORDER GRANTING MOTION TO DISMISS**

On June 21, 2018, Reid Aaron filed an appeal with the Wisconsin Employment Relations Commission asserting he will be improperly reassigned to a new work location by the State of Wisconsin Department of Veterans Affairs (DVA). On September 13, 2018, DVA filed a motion to dismiss the appeal because Aaron had resigned prior to the date the reassignment would have occurred. On September 18, 2018, Aaron filed a response opposing the motion.

Having considered the matter, the Commission makes and issues the following:

**ORDER**

The motion to dismiss is granted.

Dated at Madison, Wisconsin, this 16th day of October, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING ORDER GRANTING MOTION TO DISMISS**

The relevant facts are undisputed.<sup>1</sup> Aaron was to be reassigned to a new work location. As was his right as a Career Executive, he filed an appeal with the Commission pursuant to Wis. Admin. Code § ER-MRS 30.10(2). His appeal asserted that there was no need for the reassignment and that moving to the reassigned work location would be a financial hardship and detrimental to his health. Prior to the move to the new work location, Aaron retired.

The DVA moves to dismiss the appeal because the reassignment did not take place. Aaron contends that his retirement was coerced and that his appeal should be allowed to proceed to hearing.

It is apparent that Aaron chose to retire rather than incurring the expense and negative health impacts he asserts would have been the consequence of the change in work location - either short term if his appeal had been successful or long term if his appeal had failed. His retirement was not coerced. Rather he made an informed decision after considering the risks and benefit of proceeding with the appeal or retiring. *See Peterson v DNR*, Dec. No. 32605 (WERC, 11/08).

Therefore, the Commission has granted the motion to dismiss the reassignment appeal.

Dated at Madison, Wisconsin, this 16th day of October, 2018.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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<sup>1</sup> If there were a dispute as to relevant fact, the motion would be denied as a matter of law to allow for a hearing to resolve the dispute. *See Siminow v DOC*, 36919 (WERC, 3/17); *Weisse v DHS*, Dec. No. 36949 (WERC, 6/17).