

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BARRY CASETTA, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0391

Case Type: PA

DECISION NO. 38933-A

Appearances:

Barry Casetta, 405 N. Park Avenue, Fond du Lac, Wisconsin appearing on his own behalf.

Anfin Jaw, Attorney, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER DISMISSING APPEAL

On September 9, 2020, Barry Casetta filed an appeal with the Wisconsin Employment Relations Commission asserting the State of Wisconsin Department of Corrections (DOC) had wrongly terminated his hazardous duty benefits under Wis. Stat. § 230.36. The appeal was assigned to Examiner Peter Davis.

On April 23, 2021, the Commission issued a Decision and Order denying a DOC motion to dismiss and the appeal was scheduled to be heard telephonically on August 5, 2021 before Examiner Davis. DOC appeared and participated in the hearing but Casetta did not. DOC presented evidence in support of its decision to end Casetta's benefits, and also moved to dismiss the appeal due to Casetta's failure to appear.

Examiner Davis' subsequent attempts to contact Casetta were unsuccessful. On August 18, 2021, Casetta received a letter from Examiner Davis asking that he provide any information regarding his failure to appear at the hearing on or before August 27, 2021. Casetta did not respond.

Given the foregoing, the Commission concludes both that Casetta abandoned his appeal and that DOC presented credible evidence as to why it ended Casetta's benefits.

NOW, THEREFORE, it is

ORDERED

The appeal filed by Barry Casetta is dismissed.

Issued at Madison, Wisconsin this 16th day of September, 2021.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman