

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

JUNIOR GEBERT, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0581

Case Type: PA

DECISION NO. 39939-B

Appearances:

Junior Gebert, 459 E. Johnson Street, Fond du Lac, Wisconsin, appearing on his own behalf.

David G. Makovec, 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 Corrections.

ORDER DENYING PETITION FOR REHEARING

Pursuant to Wis. Stat. § 227.46(3)(a), Examiner Anfin Jaw of the Wisconsin Employment Relations Commission was given final authority to issue the Commission's decision and maintained final authority throughout the proceeding.

On August 24, 2023, the Wisconsin Employment Relations Commission issued a Decision and Order affirming the one-day suspension of Junior Gebert by the State of Wisconsin Department of Corrections.

On September 13, 2023, Gebert filed a Petition for Rehearing pursuant to Wis. Stat. § 227.49 asserting that the Commission had made certain errors of fact and law in its August 24, 2023, Decision and Order and that there is material evidence "sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence." The State of Wisconsin Department of Corrections filed a response opposing the Petition on September 22, 2023. Gebert submitted a written reply on September 22, 2023, and an additional response on September 25, 2023.

Having considered the matter, the Commission concludes that it did not make any errors of fact or law in its August 24, 2023, Decision and Order and that the evidence referenced by

Gebert in his Petition is not “sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence” as required by Wis. Stat. § 227.49(3)(c).

NOW, THEREFORE, it is

ORDERED

The Petition for Rehearing is denied.

Issued at the City of Madison, Wisconsin this 3rd day of October, 2023.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

A handwritten signature in cursive script that reads "Anfin Jaw". The signature is written in black ink and is positioned above a horizontal line.

Anfin Jaw