

STATE OF WISCONSIN

BEFORE THE STATE BOARD OF PERSONNEL

Nancy Johnson,

Appellant,

-vs-

Wilbur J. Schmidt, Secretary  
Department of Health and  
Social Services,

Respondent.

DECISION ON

JURISDICTION

~~#367~~

Despite any possible interpretation of the language of this Board in Carlson v. Schmidt, etc. thereto, this Board has no jurisdiction to review denials of administrative leaves of absences or denials of formal leaves of absence when the appointing officer has not recommended such leave.

We have not been advised that Appellant has indicated that she can return to her position. We have not been advised that the Respondent has affirmatively terminated the Appellant or has barred her from her position. All that the Board has before it is a request for an extension of leave and a denial thereof.

More will have to occur in this affair before the Board will consider whether or not failure to return to work after expiration of leave should be treated, under the circumstances, as a "constructive resignation" or whether the Appellant has been terminated for just cause.

Appellant has only said that she is physically not able to return to work. She does not express any future ability to return although absent for more than a year. Her doctor has advised the Respondent that Appellant should not attempt to return to work at her job.

In brief, the future of the case is too speculative to warrant the involvement of the Board at this time in the complexities of the matter.

The appeal should be dismissed.

Dated at Madison, Wisconsin

May 15, 1970.

STATE BOARD OF PERSONNEL

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