

STATE OF WISCONSIN

BEFORE THE PERSONNEL BOARD

Eleanore Knipp,

Appellant,

vs.

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

Respondent

#480

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) ORDER
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It appearing that this Appeal involves the alleged resignation of the Appellant from her employment at Kettle Moraine Boys School and as a consequence thereof the cessation of such employment,

IT IS ORDERED, because of lack of jurisdiction, this Appeal be and the same is hereby dismissed.

Dated: April 21, 1972.

STATE PERSONNEL BOARD

BY

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STATE OF WISCONSIN
BEFORE THE PERSONNEL BOARD

Eleanore Knipp,)
Appellant,)
vs.)
Wilbur J. Schmidt, Secretary)
Department of Health & Social Services,)
#480 Respondent.)

MEMORANDUM ON JURISDICTION

The Appellant appears to have been a teacher at Kettle Moraine Boys School.

She has directed an appeal to this Board from the action of the Respondent in refusing to allow the continued employment of the Appellant.

It appears that the Appellant was not discharged from her position at the School.

From the file made available to the Board, it appears that the Respondent takes the position that Appellant orally resigned on February 21, 1972, and that the resignation was accepted on the same day in writing by the Superintendent of the School. For this reason Appellant has been refused continuation of employment.

The Board is not sure what the position of the Appellant might be, but it must be one of three positions:

1. That she did not orally resign on February 21, 1972;
2. That if she did so resign, the resignation is ineffective as being obtained under duress; or
3. That she had a right to reconsider and withdraw her resignation.

The Board has always taken the position that its authority to review personnel actions of department must be found expressly within the corners of the statutes.

Section 16.24 Wis. Stats. is the only statute that grants the Board authority to review the personnel actions of a department. Section 16.24 relates to removal, suspension without pay, reduction in pay or position or discharge.

The instant case does not involve any of such actions. Even if the Board should be convinced that Appellant's course is meritorious it would be without the power to order her reinstatement.

This is a matter that Appellant should take directly to the Courts where all questions of law and fact can be resolved, and where, if she prevailed, an enforceable order could be entered.

An order shall be entered dismissing this appeal for want of jurisdiction.

Dated: April 21, 1972.

STATE PERSONNEL BOARD

BY






