STATE OF WISCONSIN | STATE PERSONNEL BOARD

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DONALD R. FERGUSON,

Appellant,

v.

WILBUR J. SCHMIDT, Secretary,
Department of Health & Social Services,

Respondent.

Case No. 73-161

* *

OFFICIAL

OPINION AND ORDER

Before: JULIAN, Chairperson, SERPE, STEININGER and WILSON, Board Members.

OPINION

We previously entered interim opinions and orders in this matter on July 3, 1974, and November 6, 1974. Copies of these opinions and orders are attached hereto and incorporated by reference as if fully set forth. A further evidentiary hearing was scheduled for October 30, 1975. This hearing was canceled after the Respondent indicated he did not intend to present any evidence at that hearing. The parties have stipulated to the accuracy of the facts set forth in the aforesaid opinions and orders. Pursuant to this stipulation we find these facts to be the final and ultimate facts in this proceeding.

On November 10, 1975, Appellant filed a motion for an order "directing his immediate reinstatement to the Department of Health and Social Services." We conclude on this record that the termination was improper and this motion must be granted.

ORDER

IT IS HEREBY ORDERED that Appellant be reinstated fully and forthwith to the Department of Health and Social Services.

Dated December 11, 1975.

STATE PERSONNEL BOARD

Percy L. Julian, Jr., Chairperson