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MARIAN ABRAMS, MARY ADLER, and  
JOYCE WILLS,

Appellants,

v.

MANUEL CARBALLO, Secretary,  
Department of Health and  
Social Services, and  
VERNE KNOLL, Deputy Director,  
State Bureau of Personnel,

Respondents.

Case No. 75-136

\* \* \* \* \*

Before: Percy L. Julian, Jr., Laurene DeWitt, John Serpe, Susan Steininger

**OFFICIAL**

INTERIM  
OPINION AND ORDER

OPINION

This is an appeal of a denial of a request for reclassification pursuant to Section 16.05(1)(f), stats. At the prehearing conference the Respondent moved to dismiss Ms. Adler as a party because she had been promoted subsequent to the denial of the reclassification request and the filing of this appeal. These facts were admitted by the Appellant at least for the purpose of deciding the mootness issue.

A moot case is one in which a judgment or determination is sought on "some matter which, when rendered, for any reason, cannot have any practical legal effect upon a then existing controversy." Thoenig v. Adams, 236 Wis. 319, 322, 294 N.W. 826 (1940). We discussed in Strickland v. Carballo, Wis. Pers. Bd. No. 75-132, 228 (2/23/76), and Kaukl v. Earl, Wis. Pers. Bd. No. 74-127 (2/23/76), the effect of Watkins v. DILHR, 69 Wis. 2d 782, 794, 233 N.W. 2d 360 (1975), in liberalizing the law of mootness in proceedings before administrative agencies. However, we do not need to reach the more abstract principles involved in that case because here there is a potential

remedy of back pay for the period following the denial of Appellants' request for reclassification. Regardless of the amount of money that may be involved, it takes the case out of the purely theoretical realm.

ORDER

The motion to dismiss Ms. Adler is denied.

Dated December 21, 1976.

STATE PERSONNEL BOARD

  
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Laurene DeWitt, Vice Chairperson