

* * * * *
 RONALD LANGLOIS,
 Appellant,
 v.
 JOHN C. WEAVER, President,
 University of Wisconsin,
 Respondent.
 Case No. 75-49
 * * * * *

OFFICIAL

OPINION AND ORDER

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

NATURE OF THE CASE

This is an appeal of a discharge. The Respondent has moved to dismiss this case for lack of subject matter jurisdiction, on the grounds that the Appellant as a probationary employe has no right of appeal and that the appeal was not timely filed. Because we conclude that the appeal was not timely filed and we have no subject matter jurisdiction of this case, we do not reach the first ground for the motion.

FINDINGS OF FACT

These findings are based on uncontested documents in the record. The Appellant was terminated from his employment at the University of Wisconsin-Milwaukee effective April 18, 1975, as notified in a letter from his supervisor dated April 15, 1975. A letter appealing the termination signed by the President of Local 82, Wisconsin State Employees Union, dated May 2, 1975 was received at the Personnel Board office on May 5, 1975

CONCLUSIONS OF LAW

Section 16.05 (2), Wis. stats., provides:

The board shall not grant an appeal under sub (1) (e) or (f) unless a written request therefor is received by the board within 15 days after the effective date of the decision, or within 15 days after the Appellant is notified of such decision, whichever is later.

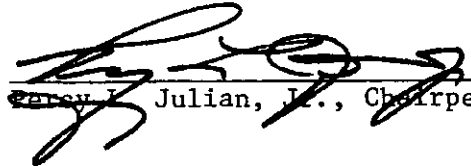
In this case, the appeal letter was received seventeen days after the effective date of the decision, and Appellant must have had notice no later than the effective date inasmuch as it was a termination. The jurisdiction of the Personnel Board is determined by statutes, and we must conform precisely to those statutes. See Mid-Plains Telephone, Inc. v. P.S.C., 56 Wis. 2d 780, 786 (1973). We conclude that we do not have subject matter jurisdiction of this appeal and that it must be dismissed.

ORDER

IT IS HEREBY ORDERED that this appeal is dismissed.

Dated December 22, 1975.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson