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 *
 DONNA E. DAVIS, *
 *
 Appellant, *
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 v. *
 *
 SECRETARY, Department of Health and *
 Social Services and DEPUTY DIRECTOR, *
 Bureau of Personnel, *
 *
 Respondents. *
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 Case No. 76-263 *
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 * * * * *

OFFICIAL

OPINION AND ORDER

Before: James R. Morgan, Calvin Hessert and Dana Warren, Board Members.

NATURE OF THE CASE

This is an appeal of the failure of the appointing authority to
 appoint the appellant to a position as Psychologist Supervisor 1 (management).
 The respondent objected to the Board's jurisdiction over the subject matter.
 The parties agreed at a prehearing conference that the Board might decide the
 motion on the basis of the written record, which has been reviewed by the
 Board and which forms the basis for the following findings of fact.

FINDINGS OF FACT

1. The appellant filed an appeal with the Board of the appointing authority's failure to appoint her to a position as Psychologist Supervisor 1 (mgt. at Central Wisconsin Center.
2. The appellant was one of 2 applicants for the position certified as eligible and considered by the appointing authority.

3. The other certified eligible was appointed to the position.

CONCLUSIONS OF LAW

1. The action of the appointing authority, following certification, of appointing a certified eligible to a position, is not an action which is appealable to the Personnel Board pursuant to s. 16.03(2) or 16.05(f), Stats.
2. No directly appealable action being present here, the Board lacks jurisdiction of this appeal.

OPINION

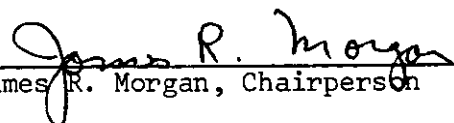
Pursuant to s. 16.20, Stats., the appointing authority makes appointments to positions from a certification provided by the director. The appointing authority has considerable discretion in making an appointment, see State ex rel Buell v. Frear, 146 Wis. 291, 302-303 (1911), and the acts of the appointing authority may not be attributed to the director. See Smith v. Lison, Wis. Pers. Bd. No. 76-89 (12/12/76); Brom v. DILHR, Wis. Pers. Bd. 77-109 (11/15/77).

ORDER

This appeal is dismissed for lack of subject matter jurisdiction.

Dated: May 18 _____, 1978

STATE PERSONNEL BOARD



James R. Morgan, Chairperson