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MARGUERITE SHERBURNE,
 Appellant,

v.

JOHN C. WEAVER, President,
 University of Wisconsin,
 Respondent.

Case No. 76-43

* * * * *

OFFICIAL

OPINION AND ORDER

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

FINDINGS OF FACT

The Appellant filed an appeal letter with this Board dated February 13, 1976, in an envelope postmarked February 14, 1976. The appeal letter carries the date stamps March 15, 1976 (Department of Administration) and March 16, 1976 (State Personnel Board). The letter indicated that the Appellant was a Typist II at the University of Wisconsin prior to her termination. The University has objected to jurisdiction of this case on the grounds that the Appellant was on probation at the time of the termination and thus had no appeal rights and that her appeal letter was received after the 15 day appeal period expressed in Section 16.05(2), Wis. Stats.

It is undisputed, and we find, that the Appellant was in probationary status employed by the Respondent as a Typist II at the time of her termination, and as such did not have permanent status in class.

CONCLUSIONS OF LAW

The jurisdictional basis for appeals to this Board by terminated employes is provided by Section 16.05(1)(e), Wis. Stats:

"The Board shall:

(e) Hear appeals of employes with permanent status in class, from decisions of appointing authorities when such decisions relate to demotions, layoffs, suspensions or discharges but only when it is alleged that such decision was not based on just cause." (emphasis supplied)

Administrative agencies must adhere strictly to the statutes which define their powers. See American Brass Co. v. State Board of Health, 245 Wis. 440, 15NW 2d 27 (1944). Inasmuch as the Appellant did not have permanent status in class at the time of her termination, she is not entitled to appeal to this Board pursuant to this statute. We do not perceive any constitutional right to a hearing pursuant to the 14th Amendment. C. f. Cook v. Weaver, Wisconsin Personnel Board 75-144 (March 22, 1976).

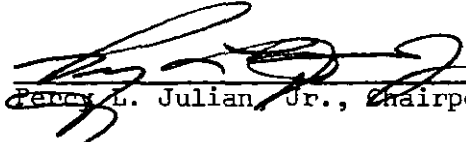
We do not reach the objection to timeliness raised by Respondent.

ORDER

IT IS HEREBY ORDERED that this appeal is dismissed.

Dated July 28, 1976.

STATE PERSONNEL BOARD


Percy L. Julian, Jr., Chairperson