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STATE OF WISCONSIN
LABOR AND INDUSTRY REVIEW COMMISSION

JUDITH THALHOFER
686 Franklin Street
Oshkosh, Wisconsin 54901
Complainant

ORDER

vs.

Case #79-PC-ER 22

STATE PERSONNEL COMMISSION
Room 803
131 West Wilson Street
Madison, Wisconsin 53703
Respondent

Complainant filed a timely appeal with the State Personnel Commission following an initial determination of no probable cause issued on October 5, 1979, by a Personnel Commission Equal Rights Officer. Complainant had filed a complaint of alleged discrimination in February 1979, in which she charged the University of Wisconsin-Oshkosh Geography Department, Appropriate Deans, Chancellor, Board of Regents, etc., with unlawful discrimination on the bases of sex, age and/or retaliation in regard to hire.

On August 14, 1981, a hearing examiner issued a proposed decision in which he concluded that there was no probable cause to believe the Complainant had been unlawfully discriminated against as alleged, and ordered the complaint dismissed. On September 23, 1981, the Personnel Commission adopted the hearing examiner's decision, with one minor modification, as its final disposition of the matter. Subsequently, in a decision mailed on October 30, 1981, the Personnel Commission denied Complainant's request for rehearing on the matter because it was found to be untimely, and there were no allegations within said request that would have justified a further review of her case.

In accordance with s. 111.33(2), Wis. Stats., Laws of 1977, Complainant timely filed a petition with the Department of Industry, Labor and Human Relations (DILHR) for a review of the Personnel Commission's decision. On November 7, 1983, the DILHR Secretary, Howard S. Bellman, issued the department's decision, which affirmed the Personnel Commission's determination of no probable cause.

Complainant continued her appeal rights under s. 111.33(2) by filing a petition for review on November 28, 1983, with this agency, the Labor and Industry Review Commission.

Based upon a review of the record in its entirety, the Labor and Industry Review Commission issues the following:


ORDER

That the decision of the Department of Industry, Labor and Human Relations is affirmed by the Commission subject to the following modifications:

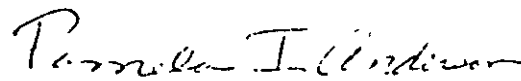
1. The language "sex and/or age" appearing in the last paragraph on page 12 of the department's decision, line 5, is deleted and the language "sex, age, or retaliation" is substituted therefor.
2. The word "race" appearing on page 13, line 1, is deleted and the word "age" is substituted therefor.

As modified, the department's decision shall stand as the FINAL ORDER herein.


Dated and mailed at Madison, Wisconsin, this 16th day of February, 1984.



David A. Pearson
Chairman



Pamela I. Anderson
Commissioner



Hugh C. Henderson
Commissioner