

8/24/89

STATE OF WISCONSIN

PERSONNEL COMMISSION

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 *
 DEXTER GILLETT, *
 *
 Complainant, *
 *
 v. *
 *
 Secretary, DEPARTMENT OF *
 HEALTH AND SOCIAL SERVICES, *
 *
 Respondent. *
 *
 Case No. 89-0070-PC-ER *
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 * * * * *

DECISION
AND
ORDER

This charge of handicap discrimination was filed on June 27, 1989. It reflects that complainant was on a medical leave of absence but was notified by respondent that this leave expired on February 18, 1985. Since it appeared that complainant separated from state service more than four years before filing the charge, Commission staff sent him a letter indicating that the charge appeared to be untimely under §§ PC 2.01, Wis. Adm. Code, and 111.39(1), Stats., and seeking additional information and any arguments he might have why the charge should not be dismissed as untimely. In response to this letter, complainant advised by letter dated July 28, 1989, that he was terminated from employment on February 18, 1985, that he "was never really given any kind of help from D.O.C. [Division of Corrections] or D.V.R. [Division of Vocational Rehabilitation] in 1985...." He also stated: "I had no knowledge that a complaint had to be filed within 300 days nor did I know I could get help from any one...."


Unfortunately for complainant, this is a situation which calls into play the familiar axiom of "ignorance of the law is no excuse." See, e.g. Jabs v. State Board of Personnel, 34 Wis. 2d 245 (1967). Lack of knowledge

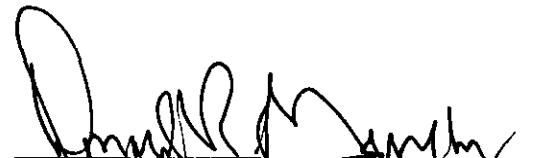
of the law does not toll the running of a statute of limitations, and this charge must be dismissed as it was not filed within 300 days of the alleged discrimination.

ORDER

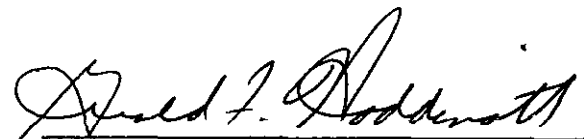
This charge is dismissed as untimely filed.

Dated: August 24, 1989 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson


DONALD R. MURPHY, Commissioner

AJT:rcr
RCR03/1


GERALD F. HODDINOTT, Commissioner

Parties:

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