

PATRICIA WEST,
Complainant,

v.

**Chairperson, UNIVERSITY OF
WISCONSIN HOSPITALS AND CLINICS
BOARD,**
Respondent.

**RULING
ON
REQUEST TO
WITHDRAW
WAIVER OF
INVESTIGATION**

Case No. 00-0032-PC-ER

This matter is before the Commission on the complainant's request to withdraw her previous waiver of the investigation.

BACKGROUND

The initial complaint was filed on March 13, 2000. Complainant also filed amendments to her complaint on both March 17th and March 27th. In both her March 17th and 27th submissions, complainant indicated that she wished to waive the investigation of her claims and proceed directly to hearing. The Commission granted complainant's request and, by letter dated April 14, 2000, scheduled a prehearing conference for April 26th.

On April 26th, complainant asked that the prehearing conference be postponed in order to consult with prospective counsel. The conference was tentatively rescheduled to May 9th. Later the same day, complainant prepared a letter requesting an investigation of her complaint. The letter stated:

At a meeting with Attorney Jeff Scott Olson today, I learned that I had received incorrect advice and misunderstood what waiving an investigation meant. Upon his counsel, I am writing immediately to ask that I be permitted to correct my mistake.

I hereby request that the above case be returned to investigatory status, so that he can represent me in the way he thinks is appropriate. This

change would make the pre-hearing conference tentatively scheduled for the week of May 8th unnecessary.

The respondent has not opposed the complainant's request to withdraw the waiver.

OPINION

The statutory basis for waiving the investigation of a complaint of discrimination filed with the Commission is §230.45(1m), Stats:

The commission shall waive the investigation and determination of probable cause of any complaint that is filed by a complainant . . . at the complainant's request. If the commission waives the investigation and probable cause determination, the commission shall proceed with a hearing on the complaint. The commission's waiver of an investigation and probable cause determination does not affect the commission's right to attempt to resolve the complainant by conference, conciliation or persuasion.

Within approximately one month of asking to have the investigation waived, complainant concluded she was mistaken and had not understood the consequences of the waiver. She determined it was not in her best interest to waive the investigation and promptly notified the Commission. Nothing suggests that respondent was prejudiced by the complainant's actions and no prehearing conference or other proceeding had been held in the interim. The respondent does not oppose the complainant's request. Given these circumstances, the complainant will be permitted to withdraw her previous request to waive the investigation of this matter and the case will assigned to an equal rights officer for investigation.

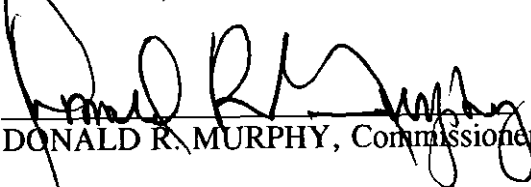
ORDER

Upon complainant's request, her waiver of the investigation of this matter has been withdrawn and the case will be assigned to an investigator.

Dated: May 3, 2000 STATE PERSONNEL COMMISSION


LAURIE R. McCALLUM, Chairperson

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DONALD R. MURPHY, Commissioner


JUDY M. ROGERS, Commissioner