

Kleisch v. DHSS
Case No. 78-151-PC
Page Two

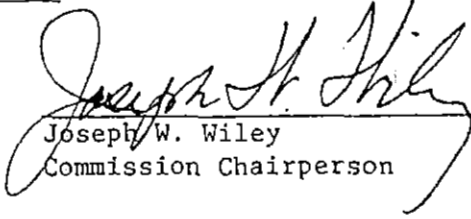
The Commission believes that any possible probative value of the findings with respect to the ultimate fact issues in this appeal are far outweighed by these factors and the resultant need to relitigate, in essence, collateral issues as to what went on in the unemployment compensation hearing.

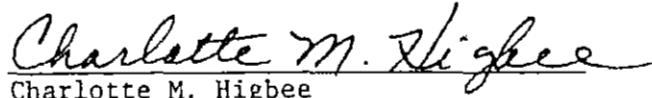
The record of the unemployment compensation proceedings is hearsay of the kind the supreme court specifically held was inadmissible in State v. McFarren. 62 Wis 2d 492. 506. 267. N.W. 2d 249 (1974).

ORDER

The appellant's request for oral argument is granted and his request for use as evidence of the unemployment compensation record and determination is denied.

Dated: Jan 23, 1979.


Joseph W. Wiley
Commission Chairperson

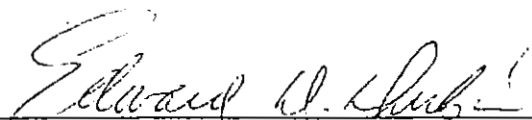

Charlotte M. Higbee
Commissioner

Kleisch v. DHSS
Case No. 78-151-PC
Page Three

PARTIAL DISSENT

I dissent with the part of this order which prohibits the use of the findings from the unemployment compensation proceeding. Both parties participated in that proceeding and presumably had an opportunity to examine witnesses. While those findings may not be binding and conclusive on the parties or Commission, I fail to see why they can not be received in evidence for whatever probative value they do possess.

Dated: 1-23, 1979.



Edward D. Durkin