

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KARYN MEHRINGER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0547

Case Type: PA

DECISION NO. 39500

KARYN MEHRINGER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0548

Case Type: PA

DECISION NO. 39501

Appearances:

Karyn Mehringer, 5426 Arbor Court, Wausau, Wisconsin, appearing on her own behalf.

Nicole M. Porter, Attorney, Department of Administration, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER DISMISSING APPEALS

On August 4, 2022, Karyn Mehringer filed two appeals with the Wisconsin Employment Relations Commission regarding compensation issues she had grieved against the State of Wisconsin Department of Corrections (DOC). On August 5, 2022, the Commission advised Mehringer by email that a \$50 filing fee was owed as to each appeal and the fee “must be received by the Commission on or before September 6, 2022, or the appeal will be dismissed.

The Commission did not receive the two filing fees until September 9, 2022 and that same day advised Mehringer that the appeals would be dismissed. Mehringer requested and was granted

the opportunity to submit argument as to why her appeals should not be dismissed. She filed argument on September 25, 2022. DOC filed responsive argument on September 30, 2022.

Having considered the matter, the Commission is persuaded that both appeals should be dismissed.

NOW, THEREFORE, it is

ORDERED

The appeals are dismissed without prejudice.

Issued at Madison, Wisconsin, this 11th day of October, 2022.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
DISMISSING APPEALS

Wisconsin Admin. Code ERC 92.05 (b) 2. requires that the applicable filing fee be “received” by the Commission within 30 days. Wisconsin Admin. Code ERC 92.06 provides that if the fee is not timely received, the Commission “shall dismiss without prejudice” the appeal.

The Commission has long recognized that the 30-day timeline for the Commission’s receipt of a filing fee is mandatory rather than directory. *See Stewart v. DMRS*, Dec. No. 32462 (WERC, 6/08); *Markwardt v. OSER*, Dec. No. 31902 (WERC, 11/06), citing *Runde v. DMRS*, Case No. 97-0088-PC (PERS. COMM., 12/17/97).

Although Mehringer contends that she believed timely **mailing** the fee was sufficient , the Commission provided clear instruction to Mehringer that payment was to be **received** by September 6, 2022. Mehringer also contends that there were events happening in her personal life that may have distracted her attention. However, given the specific obligations created by Wis. Admin. Code ERC 92.05 (b) 2. and 92.06 , even if the failure to timely file was unintentional or caused by confusion, the Commission is obligated to dismiss the appeals without prejudice and has done so.

Issued at Madison, Wisconsin, this 11th day of October, 2022.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman