

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

DAWN HAWKINSON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0567

Case Type: PA

DECISION NO. 39899-A

Appearances:

Victor Arellano, Attorney, Arellano & Phebus, S.C., 1468 N. Highpoint Road, Suite 102, Middleton, Wisconsin, appearing on behalf of Dawn Hawkinson.

David Makovec, 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.

ORDER DENYING PETITION FOR REHEARING

On April 13, 2023, the Wisconsin Employment Relations Commission issued a Decision and Order affirming the discharge of Dawn Hankinson by the State of Wisconsin Department of Corrections.

On April 14, 2023, Hawkinson filed a Petition for Rehearing pursuant to Wis. Stat. § 227.49 asserting that the Commission had made certain errors of fact and law in its April 13, 2023 Decision and Order and that there is material evidence “sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.” The State of Wisconsin Department of Corrections filed a response opposing the Petition on April 24, 2023.

Having considered the matter, the Commission concludes that it did not make any errors of fact or law in its April 13, 2023 Decision and Order and that the evidence referenced by Hawkinson in her Petition was available to her prior to the hearing and thus is not “sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence” as required by Wis. Stat. § 227.49(3)(c).

NOW, THEREFORE, it is

ORDERED

The Petition for Rehearing is denied.

Issued at Madison, Wisconsin, this 28th day of April, 2023.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

James J. Daley, Chairman