

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

---

JAKE DULLER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0586

Case Type: PA

DECISION NO. 39959-A

---

**Appearances:**

Jake Duller, 650 Spring Street #7201, Sun Prairie, Wisconsin, appearing on his own behalf.

Michelle Zaccard, Attorney, Department of Corrections, Office of Legal Counsel, 3099 E. Washington Ave., Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**ORDER GRANTING PETITION FOR REHEARING**

On October 16, 2023, the Wisconsin Employment Relations Commission issued a Decision and Order affirming the decision of the State of Wisconsin Department of Corrections not to hire Jake Duller.

On October 23, 2023, Duller filed a Petition for Rehearing pursuant to Wis. Stat. § 227.49 asserting 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 November 1, 2023; and the parties exchanged emails regarding the disclosure of evidence on November 14, 2023.

Having considered the matter, the Commission concludes that the Petition should be granted for the purpose of determining if the evidence Duller references is “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 granted.

Issued at Madison, Wisconsin, this 21<sup>st</sup> day of November 2023.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

---

James J. Daley, Chairman