

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

KAREN SONNENTAG, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0187

Case Type: PA

DECISION NO. 41250

Appearances

Karen Sonnentag, 2869 295th Street, Cadott, Wisconsin, appearing on her own behalf.

David G. Makovec, Attorney, Wisconsin Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Health Services.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On October 16, 2025, Karen Sonnentag filed an appeal with the Wisconsin Employment Relations Commission asserting she has been suspended for one day without just cause by the State of Wisconsin Department of Health Services (DHS). On October 30, 2025, DHS filed a motion to dismiss the appeal as untimely filed. Sonnentag filed a response to the motion on October 30, 2025, and an additional response that same day.

Having considered the matter, the Commission is satisfied that the motion to dismiss should be granted.

NOW, THEREFORE, it is:

ORDERED

The appeal is dismissed.

Issued at the City of Madison, Wisconsin, this 10th day of November 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

Karen Sonnentag (Sonnentag) received her Step 2 grievance decision via email on October 1, 2025. The decision indicates the “Date Returned” date as 10/1/2025. At the bottom of the Step 2 decision dated October 1, 2025, instructions for an appeal were outlined. “A timely appeal of a Step 2 decision must be filed with the Wisconsin Employment Relations Commission no later than 14 days after receiving DPM’s decision.” Directions on How to Appeal the DPM Step 2 Response to the Wisconsin Employment Relations Commission (WERC) were also included with the Step 2 Response. “An appeal must be filed with the WERC by close of business (4:30 p.m. CST) on the 14th calendar day, or it will be deemed untimely.” Additionally, the directions state that the appeal may be emailed to wercc@wercc.state.wi.us.

The last day for a timely appeal to the Commission within the 14-day deadline would have been October 15, 2025. Sonnentag’s appeal to the Commission was received on October 16, 2025, one day late. That is outside of the 14-day mandatory requirement set forth in Wis. Stat. § 230.445(3)(c)1.

Under §§ 230.445(2) and 230.445(3)(c)1., Wis. Stats., an employee may not file an appeal with the commission later than 14 days after receiving the administrator’s (DPM’s Step 2) decision. If an employee does not file a complaint or appeal by the deadline, they waive their right to appeal the decision. *See* § 230.445(2), Wis. Stats. “[T]he Commission is obligated to apply the restrictions that are imposed upon it by the Wisconsin Statutes. The Commission may not consider the merits of an appeal merely because the Commission believes the underlying issue is particularly important, or because the failure to timely file the appeal was unintentional or caused by confusion.” *See Biggar v. DOC*, Dec. No. 31388 (WERC, 7/05).

Furthermore, per Wis. Admin. Code § ERC 91.02(10), “[f]iling” means the physical receipt of a document at the commission’s office.

Here, Sonnentag mailed her written appeal to the WERC and argues that it was postmarked on October 11, 2025. She asserts that it should have been received by the Commission by October 15. She admits that she did not realize that Monday, October 13, 2025, was Columbus Day, and does not dispute that the appeal was not received by the WERC until October 16, 2025.

In this case, there is no good cause exception in the statutes, and the equities do not favor waiving the 14-day time limit. The Department gave Sonnentag clear instructions on how and when to file an appeal to her Step 2 decision, including the option to email her appeal. There was no effort, intentional or otherwise, to mislead her. The late filing was attributable to Sonnentag’s lack of diligence.

Given the foregoing, the Commission concludes the motion to dismiss must be granted due to Sonnentag’s failure to meet the statutory filing requirements contained in §§ 230.445(2) and 230.445(3)(c)1., Wis. Stats. Her appeal was untimely filed to the Commission on October 16, 2025. Therefore, the appeal has been dismissed.

Issued at the City of Madison, Wisconsin, this 10th day of November 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman