

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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WASHINGTON METHU, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF NATURAL RESOURCES, Respondent.

Case ID: 306.0020

Case Type: PA

DECISION NO. 41284

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**Appearances:**

Ben Hitchcock Cross, Attorney, Cross Law Firm, S.C., 845 N. 11th Street, Milwaukee, Wisconsin, appearing on behalf of Washington Methu.

William H. Ramsey, Deputy Chief Legal Counsel, 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 Natural Resources.

**DECISION AND ORDER GRANTING MOTION TO DISMISS**

On December 8, 2025, Washington Methu filed an appeal with the Wisconsin Employment Relations Commission asserting he has been suspended for five days without just cause by the State of Wisconsin Department of Natural Resources (DNR). On December 9, 2025, DNR filed a motion to dismiss the appeal as untimely filed. On December 10, 2025, DNR filed an amended motion to dismiss the appeal as untimely filed. Methu did not file a response by the given deadline of January 2, 2026.

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 20<sup>th</sup> day of January 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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Peter G. Davis, Chairman

**MEMORANDUM ACCOMPANYING DECISION AND  
ORDER GRANTING MOTION TO DISMISS**

Washington Methu (Methu) received his Step 2 grievance decision via email on November 18, 2025. The decision indicates the “Date Returned” date as 11/18/2025. At the bottom of the Step 2 decision dated November 18, 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 WERC were also included with the Step 2 Response. “An employee’s appeal to the Wisconsin Employment Relations Commission (WERC) must be made in writing and filed with and received by the WERC within 14 calendar days from receipt of the DPM’s Step 2 response. An appeal must be filed with the WERC by close of business (4:30 p.m. CST) on the 14<sup>th</sup> calendar day, or it will be deemed untimely.”

The last day for a timely appeal to the Commission within the 14-day deadline would have been December 2, 2025. Methu’s appeal to the Commission was received on December 8, 2025. That is outside of the 14-day mandatory requirement set forth in Wis. Stat. § 230.445(3)(c)1. No explanation was provided as to why the appeal was filed late.

Under Wis. Stats. §§ 230.445(2) and 230.445(3)(c)1., 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* Wis. Stats. § 230.445(2). “[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).

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

Given the foregoing, the Commission concludes the motion to dismiss must be granted due to Methu’s failure to meet the statutory filing requirements contained in Wis. Stats. §§ 230.445(2) and 230.445(3)(c)1. His appeal was untimely filed to the Commission on December 8, 2025. Therefore, the appeal has been dismissed.

Issued at the City of Madison, Wisconsin, this 20<sup>th</sup> day of January 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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Peter G. Davis, Chairman