

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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ASHLEY LAMAR, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF ADMINISTRATION, Respondent.

Case ID: 315.0037

Case Type: PA

DECISION NO. 41291

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**Appearances:**

Ashley LaMar, 2149 N. 62nd Street, Wauwatosa, Wisconsin, appearing on her own behalf.

Nicole Porter, 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 Administration.

**DECISION AND ORDER GRANTING MOTION TO DISMISS**

On December 4, 2025, Ashley LaMar 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 Administration (DOA). On December 9, 2025, DOA filed a motion to dismiss the appeal as untimely filed. On December 23, 2025, LaMar filed a response to the motion and the matter became ripe for Commission consideration.

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 3<sup>rd</sup> day of February 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

**Electronically signed by Peter G. Davis**

Peter G. Davis, Chairman

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

Ashley LaMar (LaMar) filed an appeal with the Commission as to a one day suspension received by the State of Wisconsin Department of Administration.(DOA). DOA asserts the appeal was untimely filed and must be dismissed.

Wis. Stat. § 230.445(3)(c) requires that an appeal be filed no later than 14 days after an employee receives the State’s Step 2 decision. Wis. Stat. § 230.35(4)(f) specifies that State agency office hours do not extend beyond 4:30 pm and Wis. Admin. Code § ERC 91.02(10) provides that “filing” means physical receipt in the Commission’s office. Consistent with these requirements, the State correctly advised LaMar that “[a]n 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.”

LaMar received the State’s Step 2 grievance decision via email on November 19, 2025. Thus, the last date and time for the Commission to receive a timely appeal was December 3, 2025, at 4:30 pm.<sup>1</sup> LaMar’s appeal was received at 4:31 pm on December 3, 2025. As reflected in Wis. Stat. § 230.35(4)(f), the Commission’s office had already closed and thus the appeal was untimely filed the next Commission business day of December 4, 2025.

Wisconsin Stat. § 230.445(3)(c)1. requires that the Commission dismiss untimely appeals. LaMar’s appeal was untimely and therefore it has been dismissed.

Issued at the City of Madison, Wisconsin, this 3<sup>rd</sup> day of February 2026.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

***Electronically signed by Peter G. Davis***

Peter G. Davis, Chairman

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<sup>1</sup> LaMar argues that because Thanksgiving fell within the 14 day period, she had until December 4, 2025, to timely file. LaMar would be correct if the last day for filing fell on a holiday such as Thanksgiving. She would then have had the next business to file. But when a holiday falls during the 14 day period, it does not extend the period for timely filing.