

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ZACHARIE SCHROEDER, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0867

Case Type: PA

DECISION NO. 41297

Appearances:

Zacharie Schroeder, N5544 S. Stephen Court, Plymouth Wisconsin, appearing on his own behalf.

Eric Muellenbach, Attorney, Department of Corrections, 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On December 26, 2025, Zacharie Schroeder filed an appeal to the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). On January 7, 2026, DOC filed a motion to dismiss the appeal as untimely filed. Schroeder was given the opportunity to respond by January 21, 2026, but did not.

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 Madison, Wisconsin, this 5th day of February 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

Wisconsin Stat. § 230.445(3)(c)1. provides that an employee may not file an appeal with the Commission later than 14 days after receiving the Division of Personnel Management’s Step 2 decision. If an employee does not file an appeal by the statutory deadline, the employee waives the right to appeal the decision. *See* Wis. Stat. § 230.445(2). The Commission has consistently held that this statutory time limit is mandatory, that it lacks authority to consider the merits of an untimely appeal, and may not consider the merits of an appeal merely because 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, pursuant to Wis. Admin. Code § ERC 91.02(10), “filing” means the physical receipt of a document at the Commission’s office.

Here, the Division of Personnel Management emailed its Step 2 decision to Schroeder’s designated email address on December 9, 2025. The Step 2 decision and accompanying appeal instructions expressly advised Schroeder that any appeal must be filed with the Wisconsin Employment Relations Commission no later than 14 days after receipt of the decision, and that 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 considered untimely.(emphasis in original)

Accordingly, Schroeder was required to file his appeal with the Commission no later than 4:30 p.m. on December 23, 2025. Schroeder did not submit his appeal until 8:17 p.m. on December 23, 2025, after the Commission’s 4:30 p.m. close of business. The appeal was therefore received by the Commission on the next business day, December 26, 2025, and was untimely filed.

Wisconsin Stat. § 230.445(3)(c)1. requires that the Commission dismiss untimely appeals. Therefore, the appeal has been dismissed.

Issued at Madison, Wisconsin, this 5th day of February 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman