

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ERIN CULL, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS Respondent.

Case ID: 1.0916

Case Type: PA

DECISION NO. 41522

Appearances:

Erin Cull, 1818 E. Shorewood Blvd., #110, Shorewood, Wisconsin, appearing on his own behalf.

Nicole Porter, Attorney, 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 Corrections.

DECISION AND ORDER GRANTING MOTION TO DISMISS

On April 6, 2026, Erin Cull filed an appeal with the Wisconsin Employment Relations Commission asserting that the State of Wisconsin Department of Corrections (DOC) had improperly denied his application for benefits under Wis. Stat. § 230.36.

On June 25, 2026, DOC filed a motion to dismiss asserting the appeal was untimely filed. The parties thereafter filed written argument – the last of which was received July 3, 2026.

Having considered the matter and being fully advised in the premises, the Commission concludes that the appeal was untimely filed.

NOW, THEREFORE, it is

ORDERED

The Motion to Dismiss the appeal is granted.

Issued at Madison, Wisconsin, this 27th day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER
GRANTING MOTION TO DISMISS

Wisconsin Admin. Code § ER 28.06 provides:

If an employee's claim for leave with pay due to hazardous duty injury is denied by the appointing authority, the employee may appeal the action to the commission by filing a written request within 30 calendar days after being notified of such decision or within 30 calendar days from the effective date of the decision, whichever is later. Failure to file the appeal within the specified time limit shall bar the employee from any future claims to s. [230.36](#), Stats., benefits related to the particular injury incurred.

In this matter, Cull's claim was denied on October 29, 2025, and he did not file his appeal with the Commission until April 6, 2026. His appeal is clearly untimely and must be dismissed.

Issued at Madison, Wisconsin, this 27th day of July 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis
Peter G. Davis, Chairman