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DISTRICT IV

August 18, 2016

To:

Hon. Juan B. Colás
Circuit Court Judge
215 South Hamilton, Br.10, Rm. 7103
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You are hereby notified that the Court has entered the following opinion and order:

2015AP1986

Patricia Williams v. Wisconsin Department of Workforce
Development (L.C. # 2015CV1254)

Before Kloppenburg, P.J., Higginbotham, and Blanchard, JJ.

Patricia Williams appeals an order dismissing her petition for judicial review of a Division of Hearings and Appeals (DHA) order denying her request for a rehearing of a Department of Workforce Development decision. Based on our review of the record and briefs, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2013-14).¹ We summarily affirm.

Although Williams' petition for judicial review states that the May 8, 2015 DHA order of which she sought judicial review relates to certain Department of Workforce Development and Department of Vocational Rehabilitation reimbursement checks, the order, in fact, relates to and

¹ All references to the Wisconsin Statutes are to the 2013-14 version unless otherwise noted.

denies a request for a rehearing of an earlier DHA decision dated January 13, 2015. The basis for the denial is Williams' failure to timely file a request for a rehearing.²

The circuit court, noting that Williams' petition for judicial review does not allege any error in the May 8, 2015 DHA order or grounds upon which the denial of the rehearing could be reversed, concluded that the petition fails to state a claim upon which relief can be granted. Further, the court concluded that if Williams was actually attempting to seek review of the underlying January 13, 2015 order, her petition for review would still have to be dismissed because she filed it more than thirty days after entry of the January 13, 2015 order, and, therefore, the petition for review was untimely pursuant to WIS. STAT. § 227.53(1)(a)2. We agree.

WISCONSIN STAT. §227.53(1)(b) requires that a petition for judicial review include facts showing that the petitioner is aggrieved by the decision and requires that the petitioner specify the statutory grounds from WIS. STAT. § 227.57 upon which he or she contends the decision should be reversed. Williams alleged in her petition that she is aggrieved by the decision because the administrative law judge erred "in his interpretation of whether DWD/DVR would or would not cover reimbursements." However, the May 8, 2015 order of which Williams seeks judicial review contains no reference to reimbursements. Further, Williams' petition for judicial review contains no allegations related to the substance of the May 8, 2015 order, which hinges solely on the issue of the timeliness of Williams' request for rehearing. In addition, Williams

² A petition for rehearing must be filed within twenty days after service of the order of which rehearing is sought. WIS. STAT. § 227.49(1). The DHA administrative law judge received an email from Williams on April 30, 2015, which the judge construed as a request for rehearing of the January 13, 2015 order. The request for rehearing was received more than twenty days following service of the order.

fails to state any statutory grounds upon which she contends the order should be reversed, as required by statute. Thus, Williams fails to meet the pleading requirements set forth in § 227.53(1)(b), and the circuit court correctly dismissed Williams' petition for review on the grounds that Williams failed to state a claim upon which relief may be granted.

The circuit court, likewise, correctly concluded that in the event that Williams was actually seeking review of the January 13, 2015 order, the petition for judicial review was untimely filed and dismissal on that basis is additionally appropriate. We agree. WISCONSIN STAT. § 227.53(1)(a)2m. requires that a petition for judicial review be served and filed within thirty days of service of the decision of which the petitioner seeks review. Strict compliance with the time limits is required. *See DOT v. Peterson*, 226 Wis. 2d 623, 633, 594 N.W.2d 765 (1999). Williams did not file her petition for judicial review until May 14, 2015, some three months late.

We do not consider any of the other issues Williams attempts to raise on appeal both because they are inadequately briefed, *see State v. Pettit*, 171 Wis. 2d 627, 646, 492 N.W.2d 633 (Ct. App. 1992), and because some relate to matters outside of the record on appeal. *See State ex rel. Wolf v. Town of Lisbon*, 75 Wis. 2d 152, 155-56, 248 N.W.2d 450 (1977).

IT IS ORDERED that the circuit court order is summarily affirmed pursuant to WIS. STAT. RULE 809.21(1).

Diane M. Fremgen
Clerk of Court of Appeals