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You are hereby notified that the Court has entered the following opinion and order:

2016AP2418

Cora L. Eubanks v. LIRC (L.C. #2016CV3989)

Before Neubauer, C.J., Reilly, P.J., and Gundrum, J.

Summary disposition orders may not be cited in any court of this state as precedent or authority, except for the limited purposes specified in WIS. STAT. RULE 809.23(3).

Cora L. Eubanks appeals pro se from a circuit court order dismissing her judicial review action of a decision by the Labor and Industry Review Commission (LIRC). Based upon our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2015-16).¹ We affirm the order of the circuit court.

¹ All references to the Wisconsin Statutes are to the 2015-16 version.

In 2010, the City of Milwaukee Board of School Directors (MBSD) terminated Eubanks' employment. Eubanks filed a complaint with the Equal Rights Division of the Department of Workforce Development, alleging discrimination. An administrative law judge dismissed her complaint for lack of probable cause. LIRC affirmed the dismissal in a decision dated and mailed on April 29, 2016.

Eubanks initiated a timely judicial review action of LIRC's decision on May 26, 2016, naming LIRC and MBSD as defendants. However, she did not serve either one of them with a copy of her petition² until June 13, 2016—more than thirty days after the mailing of the decision. LIRC moved to dismiss Eubanks' action on the ground that her service was untimely. MBSD joined LIRC's motion.³ Ultimately, the circuit court granted the motion. This appeal follows.

To commence a judicial review action of a decision by LIRC, a party must file a petition for judicial review and serve a copy on LIRC within thirty days after the mailing of the decision. *See* WIS. STAT. § 227.53(1)(a)1.-2. Once the time limitation is triggered, strict compliance is required. *See Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, ¶23, 288 Wis. 2d 693, 709 N.W.2d 520. The failure to comply with the mandatory time limitation results in the loss of the circuit court's competency to proceed and the petition must be dismissed. *Id.*

² Although labeled a summons and complaint, we construe Eubanks' filing as a petition for judicial review.

³ MBSD also relied upon LIRC's brief in this appeal. Given their shared interest in the case, we conclude that such reliance was proper.

Here, it is undisputed that Eubanks failed to serve a copy of her petition on LIRC within thirty days after the mailing of the decision. Accordingly, the circuit court lacked competency to hear the judicial review action and dismissal was appropriate.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

IT IS FURTHER ORDERED that this summary disposition order will not be published.

Diane M. Fremgen
Clerk of Court of Appeals