

***AFSCME Council 24***  
**WISCONSIN STATE EMPLOYEE UNION, AFL-CIO**  
*Arbitration Award Summary*

<b>WON:</b>		<b>CONTRACT</b>	1995-97
<b>LOST:</b>	XXX	<b>CASE NO.:</b>	15674
<b>SPLIT:</b>		<b>VOLUME:</b>	11-40
<b>ISSUE:</b>	230.36 BENEFITS	<b>PROVISIONS:</b>	ARTICLE XIII, SECTION 16
<b>ARBITRATOR:</b>	VERNON		
<b>HEARD:</b>	1/27/00	<b>LOCAL:</b>	219
<b>AWARD:</b>	7/31/00	<b>BARG. UNIT:</b>	BC
		<b>EMP. UNIT:</b>	DOC-JCI

The Grievant, a Facilities Repair Worker (FRW), sustained an on-the-job injury in April of 1994 while working at the Southern Wisconsin Center. He missed a total of two hours of work and no claim for 230.36 benefits was filed. In March of 1995, while still at Southern Wisconsin Center, the Grievant was working on a ladder and felt a sharp pain in the same ankle that was injured the previous year. He received Workers' Compensation benefits until October of 1995. At some point, the Grievant transferred to Jackson Correctional Institution. In April of 1997, the Grievant filed a claim for 230.36 benefits in connection with both the April 1994 and March 1995 injuries. The Employer denied his claim and this grievance was filed.

While the Union made forceful arguments, the Arbitrator, based on a thorough analysis of the applicable contract language and applicable arbitration precedent, could not address or reach the merits of the grievance. This was because the Grievant's claim was procedurally and fatally flawed. The Grievant's claim for 230.36 benefits could not be granted because he did not follow the requirement to file a claim within fourteen days of his injury.

The Arbitrator could find no persuasive reason in the record as to why the Grievant didn't pursue the matter through a Union representative or through the grievance procedure. The Union couldn't do anything if the Grievant failed to bring questionable action by an Employer's representative to their attention. A two or three year delay was not reasonable and was extremely difficult to justify. Such a delay came with great prejudice to the Employer.

The grievance was dismissed.