

State of Wisconsin



Labor and Industry Review Commission

Linc S. Leu, Complainant

Fair Employment Decision¹

Sulzer Machine and Manufacturing,
Inc.,
Respondent

Dated and Mailed:

ERD Case No. CR202401021
EEOC Case No. 26G202400882

September 15, 2025
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The decision of the administrative law judge is **affirmed**. Accordingly, the complainant's complaint is dismissed.

By the Commission:

/s/

Michael H. Gillick, Chairperson

/s/

Georgia E. Maxwell, Commissioner

/s/

Marilyn Townsend, Commissioner

¹ **Appeal Rights:** See the green enclosure for the time limit and procedures for obtaining judicial review of this decision. If you seek judicial review, you **must** name the Labor and Industry Review Commission as a respondent in the petition for judicial review. Appeal rights and answers to frequently asked questions about appealing a fair employment decision to circuit court are also available on the commission's website <http://lirc.wisconsin.gov>.

Procedural Posture

On October 9, 2024, the complainant filed a complaint with the Equal Rights Division (hereinafter “Division”) of the Department of Workforce Development, alleging that the respondent discriminated against him in violation of the Wisconsin Fair Employment Act. On December 13, 2024, an Equal Rights Officer for the Division issued an initial determination finding no probable cause to believe discrimination occurred. The complainant filed an appeal of the adverse determination. On June 2, 2025, an administrative law judge for the Division issued a decision dismissing the complainant’s appeal on the basis of timeliness. The complainant has filed a timely petition for commission review of that decision.

The commission has considered the petition and has reviewed the information that was before the administrative law judge. Based on its review, the commission agrees with the decision of the administrative law judge, and adopts the findings and conclusions in that decision as its own.

Memorandum Opinion

This case involves the timeliness of an appeal of a no probable cause determination. The determination, having been issued on December 13, 2024, the last day on which a timely appeal could have been filed was January 13, 2025.² The complainant’s appeal was received on January 14, 2025. It was, therefore, dismissed as untimely.

In his petition for commission review the complainant makes the following argument:

In Judge Carlson’s letter he does mention the first letter I had sent that arrived within the 30 days that I did not sign. Although he does not mention the letter that I did sign, that arrived one day late. Techniqually [sic] I did submit a letter within the time limit of 30 days I was given. . . .

. . . The Judge admits [sic] the unsigned letter did in fact arrive within the 30 days. He does not mention that I followed with a signed letter that arrived one day late. I apologize for being human and made the mistake of sending a unsigned letter, and sent a second letter that was signed.

This argument is without merit. There is nothing in the administrative law judge’s decision, or in the case file, to suggest that the complainant filed a timely letter of

² By law the complainant had 30 days in which to appeal. Wis. Admin. Code § DWD 218.08. In this case, the 30th day was January 12, 2025, a Sunday. If the last day of the time period to appeal is a Saturday, Sunday or legal holiday, the last day to appeal will be the next business day. *See*, Wis. Admin. Code § DWD 218.02(4). The complainant therefore had until January 13, 2025, in which to file his appeal.

appeal, signed or otherwise. The complainant submitted two separate letters of appeal, one signed and one unsigned, both of which arrived on January 14, 2025, a day after the deadline to file a timely appeal had passed. The administrative law judge specifically noted this fact in his decision. Had the Division received a letter of appeal within 30 days of the issuance of the no probable cause determination, that appeal would have been accepted as timely with or without a signature from the complainant.

The commission has considered the remaining arguments raised in the complainant's petition for review, but finds them equally unpersuasive. Because the complainant failed to file a timely appeal of the no probable cause determination, the dismissal of his complaint must be affirmed.

cc: Atty. Sarah J. Ackermann

Editor's Note: This case has been appealed to circuit court.