

IN THE MATTER OF
A VETERANS PREFERENCE ACT HEARING BETWEEN

THE CITY OF MINNETRISTA
Employer

and

DECISION AND ORDER
(Withdrawal)
BMS Case No. 12-VP-1300

ALLAN G. GANSEN
Veteran - Employee

The Hearing Panel:

- Mr. Frank E. Kapsch, Jr., Qualified Neutral Arbitrator and Chair of the Panel
- Mr. Thomas Pederstuen, Member Appointed by the Employer
- Mr. Michael Puklich, Member Appointed by the Veteran-Employee

Dates and Place of Hearing: The hearing was held on April 9th and 10th, 2013 at the City of Minnetrista Public Safety Facility.

Date of Post-hearing briefs: May 13th, 2013. The Employer filed a timely brief. Mr. Gansen filed no brief.

Appearances

For the Employer:

Michael J. Waldspurger, Attorney
Rupp, Anderson, Squires &
Waldspurger, P.A.
527 Marquette Avenue South Suite 1200
Minneapolis MN 55402
Tel: (612) 244-2743

For the Veteran-Employee:

Kaarin K. Foede, Attorney ¹
Melchert, Hubert, Sjodin, PLLP
121 West Main Street Suite 200
Waconia MN 55387
Tel: (952) 442-7700

Allan G. Gansen, Veteran-Employee
P O Box 288
Waconia MN 55387
Tel: (320) 296-2251

¹ On May 7, 2013, Ms. Foede informed the Employer and the Members of the Hearing Panel, via mail and letter, that she and her law firm had been terminated by Mr. Gansen, the Veteran-Employee, effective immediately. In the absence of any notice of alternative representation for Mr. Gansen, he is being treated as represented *pro se*.

JURISDICTION

The Parties stipulated that the three Members of the Hearing Panel were each properly selected or appointed in accordance with the provisions of the Minnesota Veterans Preference Act (VPA), Minn. Stat. §197.46 and thereby possess the duties, authorities and responsibilities to hear and determine this matter.

THE EMPLOYER

The City of Minnetrista is located in the western portion of the Minneapolis-St. Paul Metropolitan area. The municipality covers some 32 square miles bordering several bays of Lake Minnetonka. The City currently has some 6200 residents.

THE VETERAN - EMPLOYEE

Mr. Allan G. Gansen, a veteran of service with the United States Air Force, commenced employment with the City of Minnetrista in about June, 2004. During the course of his subsequent tenure of employment with the City he worked as a Water Treatment Operator in the Public Works Department. On March 22, 2012 Mr. Gansen was involuntarily discharged from his employment with the City.

INVOKING THE VETERANS PREFERENCE ACT

On or about May 17, 2012, Mr. Gansen's attorney served a timely written statement from Mr. Gansen upon the Employer, dated May 16, 2012, requesting a formal hearing under the provisions of §197.46 of the Veterans Preference Act to challenge the validity of the City's discharge decision.

MR. GANSEN'S REQUEST FOR WITHDRAWAL

On May 15, 2013, following the close of the deadline for receipt of briefs in this matter, the Members of the Panel, herein, received the following email message from Mr. Gansen:

"Gentlemen, I am advising this panel that I [am] withdrawing my petition from this veteran preference hearing. I [am] asking for this panel not to render a decision. Please advise what are my options. I have sent my resignation letter.

Even if I was to prevail from this ruling, I have no desire to return to The City of Minnetrista. There was another employee that has left. That bring[s] [a] total of 8 personnel leaving. With more people moving on.

The only way to contact me is by email. There is no longer [a] fixed mailing address.

Thank you for time. Allan"

DECISION AND ORDER

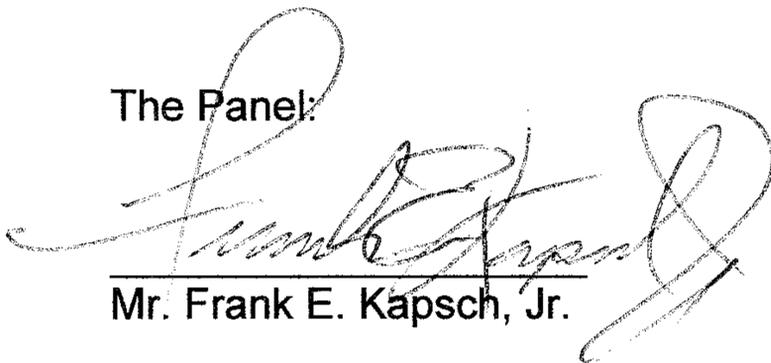
Based upon the foregoing and the record as a whole in this matter, Mr. Gansen's request, of May 15, 2013, for Withdrawal of his VPA challenge to his discharge of March 22, 2012, is hereby approved, with prejudice.

Concurrently, with the approval of this Withdrawal Request, the City's discharge decision of March 22, 2012 is now unchallenged and is affirmed.

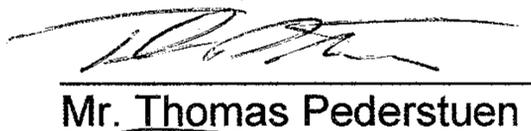
This matter is now closed.

Dated at Minneapolis, Minnesota this 23rd day of May, 2013.

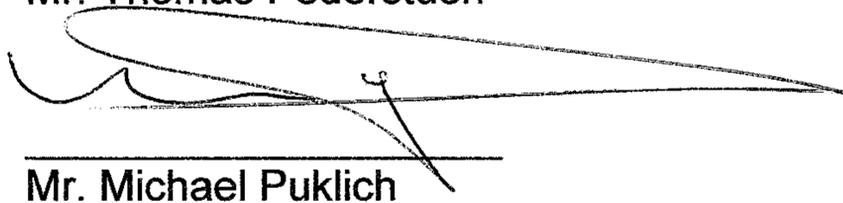
The Panel:



Mr. Frank E. Kapsch, Jr.



Mr. Thomas Pederstuen



Mr. Michael Puklich