

BY THE COURT:



3-23-22

William F. Hue
Circuit Court Judge, Branch 2

Dated:

FILED
MAR 23 2022
Jefferson County
Circuit Court

STATE OF WISCONSIN CIRCUIT COURT JEFFERSON COUNTY
BRANCH 2

ELIZABETH WOOLEVER,

Plaintiff,

v.

Case No. 21CV0236

Administrative Agency Review: 30607

UNIVERSITY OF
WISCONSIN-SYSTEM,

[WERC Decision # 38923C1](#)

Defendant.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND ORDER

The Court, incorporating its initial Memorandum Decision (Doc. No. 134) and its final Memorandum Decision (Doc. No. 141), hereby issues the following Findings of Fact, Conclusions of Law, and Order:

FINDINGS OF FACT

1. Petitioner Elizabeth Woolever appealed her discharge from the University of Wisconsin-Whitewater in accordance with Wis. Stat. § 230.44(1)(c).

2. In accordance with Wis. Stat. § 230.44(4)(c), after conducting a hearing, Respondent Wisconsin Employment Relations Commission (WERC) affirmed Petitioner's discharge and found the following facts (*see* Doc. No. 135):
 - a. Petitioner was employed by the University of Wisconsin-System as a Risk Management Specialist at the University of Wisconsin-Whitewater at the time of her discharge effective February 28, 2020. She had permanent status in class as of June 30, 2015.
 - b. On December 6, 2019, Petitioner went into an unprovoked rage in a co-worker's office which included screaming within a foot of the co-worker's face and hitting the co-worker with a thrown envelope containing several keys.
 - c. Once the rage ended, Petitioner did not leave work as requested by her supervisor but subsequently voluntarily left the office accompanied by law enforcement personnel who were called to the scene.
 - d. The rage left the co-worker understandably fearful for her safety and she took precautions in response. The rage disrupted the workplace.
 - e. During subsequent investigation of the December 6 incident, UW discovered that Petitioner had called a different co-worker a "fucking cunt" during a conversation with a UW student worker Plaintiff supervised.
3. Based on these facts, the Respondent reached the following conclusions of law (*see* Doc. No. 135):

- a. The Respondent had jurisdiction over the Petitioner's appeal pursuant to Wis. Stat. § 230.44(1)(c); and
 - b. The University of Wisconsin-System had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to discharge Petitioner.
4. Plaintiff timely filed the present action under Wis. Stat. § 227.53 to seek judicial review of Respondent's decision.
 5. In accordance with Wis. Stat. § 227.55, the Respondent submitted to the Court a certified copy of the entire record in the underlying matter. (*See* Doc. Nos. 21-58.)

CONCLUSIONS OF LAW

1. The scope of the Court's review is limited to the matters contained in the certified record Respondent submitted; there is no basis in this case to consider additional evidence outside the certified record.
2. The Respondent's findings of fact are supported by substantial evidence in the record.
3. There is no ground in this case for setting aside, modifying, remanding, or ordering agency action or ancillary relief under a specified provision of Wis. Stat. § 227.57.

ORDER

WHEREFORE, in accordance with Wis. Stat. § 227.57(2), the Court AFFIRMS the Respondent's action. This Order is final for the purposes of appeal.