

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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CHRISTOPHER GOMES, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0297

Case Type: PA

DECISION NO. 37987-A

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**Appearances:**

Paul Mertz, P.O. Box 181, Redgranite, Wisconsin, appearing on behalf of Christopher Gomes.

Anfin Jaw, Department of Administration, 101 East Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**DECISION AND ORDER DENYING PETITION FOR REHEARING**

Gomes responded to several requests from an unknown and anonymous phone number that texted him asking if an inmate was working with law enforcement. Gomes responded stating, "He's not working with police anymore." Gomes was suspended for five days for disclosing confidential information about an inmate, specifically insinuating the inmate had worked as a confidential informant for the police, putting the safety of that inmate in danger. The Commission upheld the five-day suspension imposed. Gomes now requests the Commission reconsider.

In his request for rehearing, Gomes does not allege any error of fact or law, either of which is required for the Commission to reconsider the order. Instead, Gomes relies on vague references towards the State's policy of retaining good employees.

Gomes apparently is confused as he was retained and not discharged, thus nullifying the already convoluted rationale of his motion. That put aside, Gomes' repeated statements "acknowledging" his wrongdoing ring hollow in the face of his request for "some form" of lesser punishment. It seems Gomes does not understand the gravity of his actions.

Gomes endangered the safety of another person through his actions. Confidential informants who are identified can be killed, family members threatened or harmed, and generally bad things can occur. In addition to causing the potential for serious harm to others, the actions

of Gomes also undercut the necessary trust inherent between law enforcement and confidential informants. In order for those relationships to be beneficial to society, the trust inherent in guarding the identities of those providing information is paramount. Put simply, if confidential informants' identities are made public, fewer individuals will agree to provide information, thus lessening one of law enforcement's tools to protect the community. Gomes actions were not mere negligence; he engaged in inexcusable serious misconduct. The behavior of Gomes is precisely what allows for "skipping" progressive discipline and allows for more severe discipline to be imposed.<sup>1</sup> Gomes continued inability to accept the discipline imposed shows he does not recognize the gravity of his actions despite his contention otherwise.

NOW, THEREFORE it is:

**ORDERED**

The Petition for Rehearing is denied.

Signed at Madison, Wisconsin, this 11th day of October, 2019.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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<sup>1</sup> DOC could have discharged Gomes and, had it done so, the Commission likely would have upheld that discipline.