

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

MARCO STEPHENSON, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0675

Case Type: PA

DECISION NO. 40721-B

Appearances:

Marco Stephenson, 721 Park Street, Waupun, Wisconsin, appearing on his own behalf for Rehearing.

David G. Makovec, Attorney, Department of Administration, 201 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 ON REHEARING

On January 16, 2025, the Wisconsin Employment Relations Commission issued a Decision and Order concluding that the State of Wisconsin Department of Corrections (DOC) had just cause to discharge Marco Stephenson. On January 31, 2025, Stephenson filed a Petition for Rehearing asserting that the Commission had made errors of law and fact and that there is newly discovered evidence that would establish he did not engage in misconduct. On February 17, 2025, DOC filed a statement opposing the Petition.

On February 28, 2025, the Commission granted the Petition for the purpose of determining if the Commission made a material error of law or fact and/or if there has been the discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence. On March 28, 2025, Stephenson filed a statement regarding the basis for his Petition.

Having considered the matter, the Commission concludes that its January 16, 2025, Decision and Order did not contain any material errors of law or fact and that there has not been discovery of new evidence sufficiently strong to reverse or modify the order, and which could not have been previously discovered by due diligence.

NOW, THEREFORE, it is

ORDERED

The Commission's January 16, 2025, Decision and Order is not modified and the record shall not be reopened. Thus, that Decision and Order stands as issued.

Issued at the City of Madison, Wisconsin, this 24th day of October 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER ON REHEARING

Stephenson's Petition largely consists of claims that the Commission erred in a variety of ways when reviewing the evidence presented at hearing. The Commission again rejects those claims and asserts that the evidence presented fully supports the findings made and legal conclusion reached.

In his March 28, 2025, submission, Stephenson shifts gears a bit and asserts that he had needed video evidence prior to hearing but that technology issues prevented him from using it at hearing. He also argues that he was appearing pro se and thus did not know he could call witnesses or how to do so.

Contrary to Stephenson's claim, he did not appear pro se and the record reflects that his representative used the Commission's procedures to call multiple witnesses. Therefore, this claim is rejected as a possible basis for re-opening the record in this matter. Similarly, Stephenson could have but did not raise any technology issues prior to or during the hearing and appropriate steps would have been taken to address the matter.

Given all of the foregoing, the Commission concludes that there is no persuasive basis for modifying the Decision and Order or for reopening the record. Thus, the Decision and Order stands as issued.¹

Issued at the City of Madison, Wisconsin, this 24th day of October 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Chairman

¹ The Commission apologizes to the parties for the time it has taken for the Commission to act in this matter.