

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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ANGEL FORBES, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0687

Case Type: PA

DECISION NO. 40744

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Appearances:

Angel Forbes, 8335 West Northridge Ct., Milwaukee, Wisconsin, appearing on her own behalf.

Michelle Zaccard Craig, Attorney, Department of Corrections, 3099 East Washington Ave., PO Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**DECISION AND ORDER GRANTING MOTION TO DISMISS**

On October 21, 2024, Angel Forbes filed an appeal with the Wisconsin Employment Relations Commission regarding her non-selection by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Peter G. Davis.

On November 27, 2024, the DOC made a motion to dismiss the appeal pursuant to Wis. Stat. § 230.44(3). The parties thereafter exchanged correspondence until January 27, 2025.

Having considered the matter, the Commission is satisfied that the appeal should be dismissed as untimely filed.

NOW, THEREFORE, it is:

**ORDERED**

The motion to dismiss is granted and the appeal is dismissed.

Issued at the City of Madison, Wisconsin, this 20<sup>th</sup> day of February 2025.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

**MEMORANDUM ACCOMPANYING DECISION AND ORDER**  
**GRANTING MOTION TO DISMISS**

On August 23, 2024, Forbes received an email informing her that she was not selected for a DOC position at the Kettle Moraine Correctional Institution. Shortly thereafter, she sought information from DOC as to her non-selection. By email sent September 3, 2024, DOC responded and provided her with WERC contact information in the event she wanted to pursue any appeal options and learn of any applicable “time frames.” Forbes responded that same day thanking DOC for responding. Forbes did not contact WERC until she filed her appeal on October 21, 2024.

Pursuant to Wis. Stat. § 230.44(3), an appeal must be filed with the WERC “within 30 days after the effective date of the action, or within 30 days after the appellant is notified of the action, whichever is later.”<sup>1</sup> Forbes filed her appeal well after the 30-day period had expired.

In response to the Motion to Dismiss, Forbes provided documents indicating she emailed the Governor’s office on August 26, 2024, asking for assistance and contacted the DOC Secretary’s office on September 27, 2024, for the same purpose. There is no evidence as to whether Forbes received a response to either inquiry. No matter what those responses might have been, DOC directed Forbes to the WERC on September 3 – after the August 26 contact with the Governor’s office and well within the 30-day appeal period. The September 27 contact with the Secretary’s office occurred after the 30-day appeal period had expired and after Forbes had already received the WERC contact information.

Given all of the foregoing, it is clear Forbes was never misled and was given timely information by DOC as to where to find information about any appeal rights and applicable “time frames.” Therefore, her appeal is dismissed as untimely filed.

Issued at the City of Madison, Wisconsin, this 20<sup>th</sup> day of February 2025.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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<sup>1</sup> For the purposes of a non-selection appeal, it is not the date a position is filled but rather the date an employee receives notice of non-selection that triggers the 30-day period.