

STATE OF WISCONSIN  
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

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SHANTE CANADY, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0754  
Case Type: PA  
Decision No. 40901

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**Appearances:**

Shante Canady, 5215 Byrd Avenue, Apt. 102, Racine, Wisconsin, appearing on her own behalf.

Nicole M. Porter, Attorney, Department of Administration, 101 E. Wilson Street, 10th Floor, P.O. Box 7864, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

**DECISION AND ORDER GRANTING MOTION TO DISMISS**

On May 5, 2025, Shante Canady (Canady) filed an appeal with the Wisconsin Employment Relations Commission asserting she had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). On May 22, 2025, DOC filed a motion to dismiss the appeal asserting it was untimely filed. On June 2, 2025, Canady filed a statement opposing the motion.

Having considered the matter, the Commission concludes that the appeal is untimely and the motion to dismiss should be granted.

NOW, THEREFORE, it is

**ORDERED**

The appeal is dismissed.

Issued at the City of Madison, Wisconsin, this 1<sup>st</sup> day of July 2025.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman

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

Canady was discharged by DOC on January 31, 2025. Pursuant to Wis. Stat. § 230.445 (3)(a), Canady had 14 calendar days to file a timely appeal with DOC and she did so on February 12, 2025. Canady and a DOC representative agreed to extend the time for a DOC response so that Canady and the DOC representative could meet to discuss the matter. On March 24, 2025, Canady advised DOC “I know (sic) longer want to move forward with this process. DOC responded that same day stating “Thank you for letting me know.”

On March 28, 2025, Canady emailed DOC stating in pertinent part:

After some reflection, I've realized that I would like to continue moving forward with the process, despite my earlier hesitation. I was feeling quite discouraged and disappointed due to my past experiences with my previous employer, especially as it relates to the grievance process.

Later that same day, DOC responded as follows:

Since you withdrew on 03/24/25, your grievance was closed on that date. If you wish to file again, please refer to the grievance process that was provided to you previously. It is outlined in your discipline letter. You can follow the same process that you did previously and send your grievance form to that same email. If you no longer have the email address, please let me know and I can send it to you.

On March 29, 2025, Canady filed a new grievance as to her discharge. DOC argues the grievance is untimely, while Canady asserts she should be allowed to proceed.

In effect, Canady contends she should be allowed to pick up where things left off. She points out she timely filed her initial grievance and argues DOC was not prejudiced by the short delay caused by her withdrawal and attempt to reactivate her grievance. However, the Commission is satisfied that once DOC accepted Canady’s withdrawal and closed its file, Canady had no right to reactivate that grievance and move forward. As her new March 29, 2025, grievance was filed far outside the 14 calendar day time period for timely appealing her January 31, 2025, discharge, it is untimely and must be dismissed.<sup>1</sup>

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<sup>1</sup>Wisconsin Stat. § 230.445 (3)(c)1. provides in pertinent part that “if a procedural requirement was not met by the employee or if the appointing authority’s appeal under this paragraph was not made in a timely manner, **the commission shall dismiss the appeal** (emphasis added).”

Issued at the City of Madison, Wisconsin, this 1<sup>st</sup> day of July 2025.

**WISCONSIN EMPLOYMENT RELATIONS COMMISSION**

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James J. Daley, Chairman