

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

LOGAN GOEHL, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0763

Case Type: PA

DECISION NO. 40916

Appearances:

Logan Goehl, N7380 Edgewater Drive, Beaver Dam, Wisconsin, appearing on his own behalf.

David Makovec, 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

On May 12, 2025, Logan Goehl filed an appeal with the Wisconsin Employment Relations Commission asserting that he had been suspended for three days without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Peter G. Davis. On July 11, 2025, Examiner Davis was given final authority to issue the Commission's decision pursuant to Wis. Stat. § 227.46(3)(a).

A hearing was held on July 22, 2025, by Examiner Davis. The parties made closing arguments at the conclusion of the hearing.

Being fully advised on the premises and having considered the matter, the Commission makes and issues the following:

FINDINGS OF FACT

1. Logan Goehl is employed by the State of Wisconsin Department of Corrections (DOC), as a Correctional Officer at the Waupun Correctional Institution. He had permanent status in class when he was suspended.

2. During the DOC investigation into alleged misconduct by Goehl, he was shown supervisory body camera footage which was relevant to whether he did or did not fail to follow a supervisor's directive.
3. After being suspended for allegedly failing to follow a supervisor's directive, Goehl asked to receive the body camera footage referenced in Finding of Fact 2 so that he could present the footage to the Commission during the July 22, 2025, hearing. DOC did not provide Goehl with the footage.

Based on the above and foregoing Findings of Fact, the Commission makes and issues the following:

CONCLUSIONS OF LAW

1. The Wisconsin Employment Relations Commission has jurisdiction over this appeal pursuant to Wis. Stat. § 230.44 (1)(c).
2. By failing to provide Logan Goehl with the footage referenced in Finding of Fact 2, the State of Wisconsin Department of Corrections denied due process to Goehl.
3. As a consequence of its denial of due process to Logan Goehl, the State of Wisconsin Department of Corrections did not have just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Logan Goehl.

Based on the above and foregoing Findings of Fact and Conclusions of Law, the Commission makes and issues the following:

ORDER

The suspension of Logan Goehl by the State of Wisconsin Department of Corrections is rejected and he shall be made whole with interest.¹

Issued at Madison, Wisconsin, this 23rd day of July 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Hearing Examiner

¹ See Wis. Admin. Code ERC 94.07

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.34(1)(a), Stats., provides in pertinent part the following as to certain employees of the State of Wisconsin:

An employee with permanent status in class ... may be removed, suspended without pay, discharged, reduced in base pay or demoted only for just cause.

Section 230.44(1)(c), Stats., provides that a State employee with permanent status in class:

may appeal a demotion, layoff, suspension, discharge or reduction in base pay to the commission ... if the appeal alleges that the decision was not based on just cause.

Logan Goehl had permanent status in class at the time of his suspension and his appeal alleges that the suspension was not based on just cause.

The State has the burden of proof to establish that Goehl was guilty of the alleged misconduct and that the misconduct constitutes just cause for the discipline imposed. *Reinke v. Personnel Bd.*, 53 Wis.2d 123 (1971); *Safransky v. Personnel Bd.*, 62 Wis.2d 464 (1974).

Fundamental to due process is Goehl's right to present the Commission with relevant and requested evidence that was in the State's possession. Here, during the DOC investigation, Goehl was shown a supervisor's body camera video that was clearly relevant to whether he did or did not fail to follow the supervisor's directive. After being suspended and filing his appeal with the Commission, Goehl repeatedly asked to receive a copy of that video. Ultimately, DOC advised Goehl and the Commission that the supervisor's body camera was not on and thus that there is no video footage.

It is not clear whether the body camera footage was inadvertently or purposefully destroyed. Indeed, it is possible it still exists. In any event, DOC had a due process obligation to maintain the evidence that it utilized during its investigation of alleged misconduct and then to provide it upon request to Goehl. DOC further had an obligation to be truthful as to the existence of relevant evidence.² DOC failed to meet its due process obligation and, as a consequence, the suspension is rejected³ and Goehl shall be made whole.

As part of his requested make whole remedy, Goehl points out that in addition to his loss of three days' pay, part of the discipline that DOC imposed required him to retake the six week training class that new DOC recruits are obligated to take once hired. During this six week class, he did not receive the \$5 per hour add on pay that he would otherwise have received had DOC

² It is clear that Attorney Makovec relied in good faith on his client's representations as to the existence of the video footage and has no responsibility for DOC's inaccurate assertion that no footage ever existed.

³ See *Jochman v. DOC*, Dec. No. 38449 (WERC, 7/20)

followed the normal protocol and simply returned Goehl to duty following his suspension. Having rejected the suspension, the Commission is persuaded that DOC's obligation to make Goehl whole includes payment for the lost \$5 per hour add on for the six week period.

Issued at Madison, Wisconsin, this 23rd day of July 2025.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Peter G. Davis, Hearing Examiner