

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

BAHMAN AMIN, JR., Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0868

Case Type: PA

DECISION NO. 41417

Appearances:

Bahman Amin, Jr., N57W15940 Bette Drive, Menomonee Falls, 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 December 26, 2025, Bahman Amin, Jr. filed an appeal with the Wisconsin Employment Relations Commission asserting that he had been suspended for five-days without just cause by the State of Wisconsin Department of Corrections. The appeal was assigned to Commission Examiner Katherine Scott Lisiecki.

A hearing was held via Zoom on March 9, 2026, by Examiner Lisiecki. The parties made oral closing arguments at the end of the hearing. On March 27, 2026, Examiner Lisiecki issued a Proposed Decision and Order affirming the five-day suspension of Bahman Amin, Jr. by the State of Wisconsin Department of Corrections. No objections to the Proposed Decision were filed by the parties, and the matter became ripe for Commission consideration on April 2, 2026.

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

FINDINGS OF FACT

1. Bahman Amin, Jr. (Amin) is employed by the State of Wisconsin Department of Corrections (DOC), as a correctional officer at Racine Correctional Institution (RCI). He had permanent status in class when he was suspended.

2. On April 21, 2025, Amin unnecessarily and forcefully knocked an inmate's personal possession – a bowl – off a desk in the officer's station, damaging the bowl.

3. Following an investigation, the DOC suspended Amin for five days for intentional destruction of personal possessions of others on government-owned property.

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. The State of Wisconsin Department of Corrections had just cause within the meaning of Wis. Stat. § 230.34(1)(a) to suspend Bahman Amin, Jr. for five days.

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

ORDER

The five-day suspension of Bahman Amin, Jr. by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 20th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

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.

Bahman Amin, Jr. (Amin) 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 Amin 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).

Amin is employed as a correctional officer at Racine Correctional Institution (RCI). On April 21, 2025, Amin unnecessarily and forcefully knocked an inmate's personal possession – a bowl – off a desk in the officer's station. The bowl cracked on one side. Amin can clearly be seen on video doing so. *See* Exhibit R-8. The inmate who owned the bowl found it on the ground, broken, and confronted another officer who he (the inmate) believed had broken it. *See* Exhibit R-7, pg. 1.

Amin argues that he was simply horseplaying with his coworkers. However, horseplay is also misconduct. Work Rule 16 prohibits engaging in unauthorized activities while on duty, including but not limited to playing games, horseplay, or other disorderly conduct. *See* Exhibit R-4, pg. 3.

Amin argues that the bowl was abandoned. However, RCI Warden Robert Miller testified that officers are required to hold unclaimed property until someone comes forward, and to dispose of unclaimed property responsibly.

Amin received a three-day suspension in 2025 for fraternization, and this five-day suspension constitutes progressive discipline. Warden Miller testified that Amin's behavior was unprofessional. Indeed, this sort of callous behavior towards inmates' property – and by extension, towards inmates themselves – is completely inappropriate. Amin intentionally destroyed the personal possession of another on government-owned property. Therefore, his five-day suspension is affirmed.

Issued at the City of Madison, Wisconsin, this 20th day of April 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman