

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ADAM THIELEN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0895

Case Type: PA

DECISION NO. 41456

Appearances:

Adam Thielen, 3110 1st Ct., Oxford, Wisconsin, appearing on his own behalf.

Eric Muellenbach, Attorney, Department of Corrections, Office of Legal Counsel, 3099 E. Washington Ave., Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On March 6, 2026, Adam Thielen filed an appeal with the Wisconsin Employment Relations Commission regarding the decision by the State of Wisconsin Department of Corrections (DOC) not to hire him for a correctional officer position.

A hearing was held via Zoom on May 5, 2026, by Examiner Lisiecki. The parties made oral closing arguments at the end of the hearing. On May 6, 2026, Examiner Lisiecki issued a Proposed Decision and Order affirming the decision of the DOC not to hire Thielen for a correctional officer position. The matter became ripe for Commission consideration on May 27, 2026. On June 1, 2026, Thielen filed objections to the Proposed Decision. The DOC did not file a response to the objections.

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

FINDINGS OF FACT

1. Adam Thielen (Thielen) applied for a position with the State of Wisconsin Department of Corrections (DOC) as a correctional officer.

2. Thielen was previously employed by the DOC but resigned while under a disciplinary investigation. During his time with the DOC, he had an extensive disciplinary history.

3. The references listed by Thielen on his application uniformly attested to his poor performance and recommended that he not be hired for a position in corrections.

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)(d).

2. The State of Wisconsin Department of Corrections did not act illegally or abuse its discretion by failing to hire Adam Thielen.

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

ORDER

The State of Wisconsin Department of Corrections' decision not to hire Adam Thielen is affirmed.

Issued at Madison, Wisconsin, this 19th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING DECISION AND ORDER

Section 230.44(1)(d), Stats., provides that “[a] personnel action after certification which is related to the hiring process in the classified service and which is alleged to be illegal or an abuse of discretion may be appealed to the commission.” An illegal act is one that is contrary to Wisconsin civil service statutes or administrative rules. An abuse of discretion is when an agency exercises discretion “to an end or purpose not justified by and clearly against reason and evidence.” The appellant has the burden of proving that his or her non-selection was either illegal (contrary to Wisconsin civil service statutes or administrative rulings) or an abuse of discretion (not justified by and clearly against reason and evidence). *See Moeller-Bunker v. DWD*, Dec. No. 36786 (WERC, 5/17).

Thielen was previously employed by the DOC at Oakhill Correctional Institution but resigned while under a disciplinary investigation. *See* R-2, pg. 6. During his time with the DOC, he had an extensive disciplinary history. *Id.* at 3 - 5. Thielen was also previously discharged from Columbia Correctional Institution during his probationary period for failure to meet probationary standards. *Id.* at 8.

The references listed by Thielen on his application uniformly attested to his poor performance and recommended that he not be hired for a position in corrections. *See* Exhibit R-2, pg. 2. The references said that Thielen had issues with showing up for work, remaining at work, taking initiative, failing to build positive relationships with peers, refusing to complete assigned training, responding appropriately, and telling the truth. *Id.* One said that Thielen caused a serious security breach. *Id.*

Thielen argues that, during his previous employment with the DOC, he suffered from undiagnosed mental health issues, which are now being treated. Whatever those issues might have been or the current state of Thielen's mental health, DOC had no legal obligation to give Thielen another chance and it was not arbitrary for them to decide not to do so.

Due to Thielen's previous work history with the DOC and the uniformly negative reports by his references, the DOC's decision not to hire Thielen was neither illegal nor an abuse of discretion. Given the foregoing, the Commission affirms the DOC's decision not to hire Thielen as a correctional officer.

Issued at Madison, Wisconsin, this 19th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by: Peter G. Davis

Peter G. Davis, Chairman