

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

NONSO IKWUNNAYA, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0886

Case Type: PA

DECISION NO. 41457

Appearances:

Nonso Ikwunnaya, 2434 W. Wells St., Milwaukee, Wisconsin, appearing on behalf of himself.

Andrea L. Olmanson, Attorney, Department of Corrections, 3099 E. Washington Ave., P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On January 29, 2026, Nonso Ikwunnaya filed an appeal with the Wisconsin Employment Relations Commission asserting he had been discharged without just cause by the State of Wisconsin Department of Corrections (DOC). The appeal was assigned to Commission Examiner Cara Larson.

A virtual Zoom hearing was held on April 7 and 10, 2026, by Examiner Larson. The parties submitted written closing arguments on April 12 and 13, 2026. On May 6, 2026, Examiner Larson issued a Proposed Decision and Order, affirming the discharge of Nonso Ikwunnaya by the DOC. No objections were filed by the parties by the given deadline of May 11, 2026, and the matter became ripe for Commission consideration on May 12, 2026.

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

FINDINGS OF FACT

1. Nonso Ikwunnaya (Ikwunnaya) was employed by the State of Wisconsin Department of Corrections (DOC) as Correctional Officer at the Milwaukee Secure Detention Facility and had permanent status in class at the time of his discharge.

2. The DOC is a state agency responsible for the operation of various corrections facilities including Milwaukee Secure Detention Facility (MSDF), located in Milwaukee, Wisconsin.

3. On July 10, 2025, while off duty, Ikwunnaya physically assaulted his girlfriend, F.M., who is also employed at MSDF as a correctional officer.

4. Following an investigation, on December 10, 2025, the DOC discharged Ikwunnaya from employment for the misconduct referenced in Finding of Fact 3.

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 to review 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 discharge Nonso Ikwunnaya.

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

ORDER

The discharge of Nonso Ikwunnaya by the State of Wisconsin Department of Corrections is affirmed.

Issued at Madison, Wisconsin, this 22nd day of May 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.

Nonso Ikwunnaya had permanent status in class at the time of his discharge, and his appeal alleged that the discharge was not based on just cause.

The State has the burden of proof to establish that Ikwunnaya 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).

Ikwunnaya was a correctional officer at Milwaukee Secure Detention Facility (MSDF). The Department alleged that on July 10, 2025, while off duty at his apartment, he physically assaulted his girlfriend, F.M., who is also employed as a correctional officer at MSDF.

On that date, police responded to Ikwunnaya's apartment when a neighbor called 911 and reported overhearing a disturbance. The 911 caller reported that as he was doing his laundry in the apartment building, he heard a woman crying and talking about how her man had just smacked her, choked her, and dragged her around. He further described hearing that woman tell someone to "smack me again" at which point he heard a "blow" and the woman started crying again. He described hearing the incident proceed for about 30 minutes.

Milwaukee Police officers responded to the residence. They spoke with the neighbor who called 911 and his account was similar to his prior statement to 911. Officers noted that Ikwunnaya appeared nervous and F.M. was holding a frozen piece of meat up to her head, was shaking and crying, and had a purple/black left eye with a baseball-sized knot above her left eyebrow. F.M. initially told officers that her injuries were from a fall but then stated that Ikwunnaya slapped her. F.M. told officers she did not want criminal charges to be issued because she did not want Ikwunnaya to lose his job as a correctional officer at MSDF.

Officers also spoke with Ikwunnaya on two separate occasions at the scene. During both of those conversations, he admitted that he slapped F.M. during the altercation. He later stated that he struck her hand rather than her face.

The DOC conducted an independent investigation of the incident between Ikwunnaya and F.M. but did not interview F.M. as part of that investigation. The investigator testified that victims are not always interviewed to avoid them having to relive a traumatic event. Investigators interviewed the responding officer and requested, received, and reviewed the police reports and officer's body camera video footage. After the incident, F.M. submitted a written statement recanting her earlier statement that Ikwunnaya slapped her. She also sought to provide additional information to the DOC investigator, but she was not interviewed. Ikwunnaya provided information to the DOC investigator stating that he acted in self-defense and that the incident was mischaracterized. He said his contact with F.M. was limited to her hand and denied striking her in the face. Criminal charges issued against Ikwunnaya were dismissed after F.M. disregarded a served subpoena and did not show up for the criminal trial. However, based on their investigation, the DOC concluded that Ikwunnaya did assault F.M. and that this behavior violated Work Rule 25 and Agency Serious Misconduct #4 and they discharged him effective December 10, 2025.

Officer Lewis testified at the hearing consistently with his police reports and body camera video. He also stated that Ikwunnaya admitted slapping F.M. and Ikwunnaya also stated "it's not a proud thing to say that I hit a woman." Ikwunnaya testified at the hearing and admitted that he told both officers separately at the scene that he slapped F.M. He also stated that during the argument, F.M. grabbed his shirt and, while attempting to remove her hand from his shirt, he made contact with her hand. He testified that he did not intend to harm or injure F.M., denied striking her in the face, and stated that he did not cause her any injury. He stated that he was attempting to de-escalate the situation in a manner consistent with the training he received as a correctional officer. F.M. testified at the hearing consistent with her recantation and stated that what occurred that night was not what was in the police report.

The department proved that Ikwunnaya struck F.M. in the face despite her recantation and the fact that no criminal conviction resulted.¹ F.M.'s account to law enforcement that Ikwunnaya hit her her is more credible than her recantation because it is corroborated by the neighbors' report of what he heard², Ikwunnaya's admissions to two different officers at the scene that he slapped F.M., and the responding officer's observation of the injury to F.M.'s face. By contrast, F.M.'s recantation is less persuasive, particularly in light of her statement at the scene that she did not want Ikwunnaya to lose his job as a corrections officer, which suggests a possible reason for changing her account. For the same reasons, Ikwunnaya's testimony denying he assaulted F.M. and acted in self-defense is not credible. Accordingly, the Department proved that Ikwunnaya engaged in off duty misconduct by physically assaulting F.M., his romantic partner and fellow DOC employee.

¹ The lack of a criminal conviction is not dispositive of the issues presented in this proceeding. Criminal cases require proof beyond a reasonable doubt, the highest legal standard. Proceedings before the Commission apply a lower standard of proof. As such, conduct may be established here even if it did not result in a criminal conviction.

² To the extent that an argument may be made that the neighbor who called 911 did not testify at the hearing and his statements are therefore hearsay, they are not. The neighbor's statements constituted present sense impressions, pursuant to Wis. Stat. § 908.03(1), and excited utterances pursuant to Wis. Stat. § 908.03(2).

The next issue is whether Ikwunnaya's conduct was substantially related to his employment as a Correctional Officer with the DOC. In *Johnson v. DOC*, Dec. No. 36747 (WERC, 2/17), the Commission held that off-duty conduct may support discipline where there is a sufficient nexus between the conduct and the employee's job duties or the employer's operational interests. The Commission has further recognized that off-duty misconduct involving a coworker may be sufficiently related to correctional work to warrant discipline. See *Steger v. DOC*, Dec. No. 40367-A (WERC, 11/24); *Wiggins v. DOC*, Dec. No. 41452-B (WERC, 5/26).

Ikwunnaya's conduct in striking F.M. during an argument is directly related to his job as a correctional officer. Correctional officers routinely work in tense and confrontational situations that require restraint, sound judgment, and the ability to manage conflict without unnecessary force. His actions raise legitimate concerns about his impulse control and his ability to respond appropriately under stress. The connection is even stronger because F.M. was his co-worker at the same institution. The Commission therefore finds his off duty conduct sufficiently related to his job to warrant discipline.³

Turning now to the issue of whether Ikwunnaya's misconduct establishes just cause for his discharge, Executive Directive 2 permits the Department to impose discipline, up to and including discharge, for serious acts of misconduct, even in the absence of prior discipline. DOC's Serious Misconduct Rule #4 defines another category of "serious misconduct" as off-duty illegal behavior where a substantial relationship exists that adversely affects the employee's ability to perform the duties of the position. Ikwunnaya's conduct meets this definition. Ikwunnaya physically assaulted a coworker during an argument and that misconduct impaired and adversely affected his ability to perform his duties. It is clear that serious discipline is appropriate and discharge was a reasonable and proportionate response.

The Department has met its burden of proving that Ikwunnaya engaged in the alleged misconduct and that the misconduct constitutes just cause for discharge and is therefore affirmed.

Issued at Madison, Wisconsin, this 22nd day of May 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

³ To the extent that the DOC argued that a domestic violence conviction could have resulted in a lifetime firearm ban for Ikwunnaya, no such conviction occurred. The record does not show that he is currently subject to any firearm restriction, so this argument does not support a finding of a substantial relationship in this case.