

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

ARSINIO GREEN, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF CORRECTIONS, Respondent.

Case ID: 1.0834

Case Type: PA

DECISION NO. 41463

Appearances:

Arsinio Green, 5012 N. 55th St., Milwaukee, Wisconsin on behalf of himself.

Michelle Zaccard Craig, Attorney, Department of Corrections, 3099 East Washington Avenue, P.O. Box 7925, Madison, Wisconsin, appearing on behalf of the State of Wisconsin Department of Corrections.

DECISION AND ORDER

On October 3, 2025, Arsinio Green (Green) filed an appeal with the Wisconsin Employment Relations Commission challenging the decision of the State of Wisconsin Department of Corrections not to hire him for a Correctional Officer position. The parties submitted written arguments in lieu of a hearing, with Green filing his position on October 23, 2025, and the Department filing its argument on November 6, 2025.

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

FINDINGS OF FACT

1. Green applied for a position with the State of Wisconsin Department of Corrections (DOC) as a Correctional Officer under Job ID 17971. Green was certified, interviewed, and subsequently provided forms to authorize background checks. One of those forms asked: "Do you have any known associates (acquaintances, friends or relatives) currently incarcerated or under the supervision of the Wisconsin Department of Corrections?" Green answered that he had no such known associates.

2. As part of the background investigation, the DOC reviewed the phone number Green provided and found that it had been contacted by at least ten individuals incarcerated in DOC institutions.

3. Based on the discrepancy between Green's disclosure and the background findings, the DOC concluded that Green had not fully disclosed known associates as required by the application. The DOC considered this omission significant and removed Green from consideration for the position and decided not to hire Green.

4. On October 3, 2025, the Department notified Green that he was not selected for the position.

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 Arsinio Green.

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 Arsinio Green 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 230.44(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 bears the burden of proof. *See Moeller-Bunker v. DWD*, Dec. No. 36786 (WERC, 5/17). The Commission’s role is limited to determining whether the decision was based on an illegal factor or whether the appointing authority abused its discretion. An abuse of discretion occurs only where the decision is unreasonable, irrational, or made without consideration of relevant factors.

Green applied for a Correctional Officer position with the DOC. After being certified and interviewed, he completed forms authorizing a background check. One of those forms asked: “Do you have any known associates (acquaintances, friends or relatives) currently incarcerated or under the supervision of the Wisconsin Department of Corrections?” Green answered “no.”

As part of the background investigation, the DOC reviewed the phone number Green provided and found that it had been contacted by at least ten individuals incarcerated in DOC institutions. Based on this information, the DOC concluded that Green had not fully disclosed known associates as required by the application. The DOC considered this omission significant and removed Green from consideration for the position. Green was notified of his non-selection on October 3, 2025.

Green does not dispute that he had contact with individuals who were incarcerated. He explained that he “disregard[ed]” the question, completed the application while at work, and did not intend to omit information. He also stated that he only knew a few individuals, that some were recently incarcerated, and that he did not know their full names. He asks for another chance to complete the application correctly.

The issue before the Commission is not whether Green should be given another opportunity, but whether the DOC acted unlawfully or unreasonably in relying on the information it had at the time.

The question on the application was clear and required disclosure of any known associates, under DOC supervision and explicitly explained that associates included acquaintances, friends or relatives. Green answered “no,” even though he acknowledges that he had contact with individuals who were incarcerated. The DOC’s background check confirmed multiple such contacts. This created a clear inconsistency between Green’s response and the information discovered.

Given the nature of the Correctional Officer position, the DOC reasonably places a high value on honesty, accuracy, and attention to detail in the application process. The DOC also reasonably considers undisclosed relationships with incarcerated individuals to raise potential

security concerns. Based on these factors, it was not unreasonable for the DOC to conclude that Green's omission was significant and to remove him from consideration.

Green's explanation helps clarify why the omission occurred, but it does not make the DOC's decision unreasonable. The DOC was entitled to rely on the application as submitted and the results of its background check.

For these reasons, the DOC's decision not to hire Green was not illegal and did not constitute an abuse of discretion. Given the foregoing, the Commission affirms the DOC's decision not to hire Green as a correctional officer.

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

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman