

STATE OF WISCONSIN
BEFORE THE WISCONSIN EMPLOYMENT RELATIONS COMMISSION

FAMARA JABANG, Appellant,

vs.

STATE OF WISCONSIN DEPARTMENT OF HEALTH SERVICES, Respondent.

Case ID: 2.0200

Case Type: PA

DECISION NO. 41464-A

Appearances:

Shunette Campbell-Hunter, P.O. Box 14687, Madison, Wisconsin, appearing on behalf of Famara Jabang.

David G. 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 Health Services.

REMAND ORDER

On May 21, 2026, Commission Examiner Anfin J. Wise issued a Proposed Decision and Order affirming the discharge of Famara Jabang by the State of Wisconsin Department of Health Services (DHS). On May 26, 2026, Jabang filed objections to the Proposed Decision, asserting among other matters that he had been denied a fair hearing due to DHS's failure to provide certain materials during discovery. DHS did not file a response to the objections.

Having considered the matter, the Commission is persuaded that a remand to Examiner Wise is appropriate.

NOW, THEREFORE, it is

ORDERED

1. The Jabang appeal is remanded to Examiner Wise.
2. Any additional hearing shall be held and completed within 20 days of the date of this Order.

3. Any post-hearing written argument shall be filed within 10 days of the completion of any additional hearing.

4. The Examiner's Proposed Decision shall be issued within 10 days of receipt of any written argument.

Issued at Madison, Wisconsin, this 4th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman

MEMORANDUM ACCOMPANYING REMAND ORDER

In his post-hearing written argument to the Examiner and in his objections to the Commission, Jabang asserted that DHS had failed to provide certain materials relevant to a disparate impact argument he would be making. He asserted that the failure to provide the materials before the hearing denied him due process.

Undercutting Jabang's due process claim is his failure to raise the issue at the start of the hearing or to request additional hearing once documents as to Dollak and Wolf were provided post-hearing. In addition, Dollak was a witness during the hearing and thus Jabang had ample opportunity to question him and DHS management as to his role in the matter and any resultant discipline or lack thereof. Thus, there is a strong argument that Jabang has waived any due process issues.

However, out of an excess of caution, the Commission is remanding the matter to the Examiner. The remand gives the Examiner the opportunity to determine what, if any, additional hearing is warranted and to then address Jabang's disparate treatment claims as to Dollak, Wolf and Bubnick.

Issued at the City of Madison, Wisconsin, this 4th day of June 2026.

WISCONSIN EMPLOYMENT RELATIONS COMMISSION

Electronically signed by Peter G. Davis

Peter G. Davis, Chairman