

**BOARD OF FIRE AND POLICE COMMISSIONERS
OF THE CITY OF MILWAUKEE**

In the Matter of the Appeal of Michael S. Peden

Hearing Date: October 12, 2020

Hearing Location: City Hall, 200 East Wells Street
Milwaukee, Wisconsin
Room 301-A, 8:30 A.M.

Commissioner(s): Everett L. Cocroft
Fred L. Crouther
Ann Wilson

Hearing Examiner: Rudolph M. Konrad, Esq.

Appearances: For the Milwaukee Police Department,
Robin A. Pederson, Esq.
Office of the City Attorney

 For Appellant, Michael S. Peden,
Charles S. Blumenfield, Esq.
Blumenfield & Shereef, LLP

PROCEDURAL HISTORY

On June 17 2020, the Chief of the Milwaukee Fire Department, Mark Rohlring (“Chief Rohlring” or “Chief”), terminated Heavy Equipment Operator Michael S. Peden (“HEO Peden”) for violating Fire Department rules and regulations on sixteen (16) counts, as summarized below:

Count 1. Rule 20.2, General Conduct, which prohibits failing to obey proper orders and insubordination.

Count 2. Rule 20.4, Orders, which requires subordinates to obey the orders of officers superior in rank.

Count 3. Rule 20.5, Respect for Rank, which requires due respect to officers of a higher rank.

Count 4. Rule 22.7, Hours of Duty/Duty Assignment, which requires members to remain at their assigned posts during their scheduled time unless properly relieved

from their work shift, and not to leave the firehouse at any time without permission or in accordance with established time-off policies.

Count 5. Rule 23.2, Failure to Perform Duties, which is a violation required to be reported to the Chief.

Count 6. Rule 25.4, Unexcused absence from Duty-Two (2) Hours or Greater, which states an unexcused absence from duty greater than two (2) hours is considered an Absent Without Leave (A.W.O.L.)

Count 7. Rule 25.6, Sick Leave, which requires members to provide timely and complete documentation to qualify for sick leave pay.

Count 8. Code of Conduct, Core Value, Integrity, which requires members to obey department rules.

Count 9. Guiding Principle, Competence 1, which requires members to be exemplary leaders and exemplary followers.

Count 10. Guiding Principle, Competence 2, which requires members to cooperate with colleagues.

Count 11. Guiding Principle, Competence 3, which requires members to render service to the community promptly and efficiently.

Count 12. Guiding Principle, Accountability 1, which requires members to assume the responsibilities of their positions.

Count 13. Guiding Principle, Accountability 2, which requires members to timely and completely perform work assignments they are given whether the directive is verbal or written.

Count 14. Guiding Principle, Leadership 2, which requires members to work together with respect, compassion, integrity, and efficiency.

Count 15. Guiding Principle, Leadership 5, which requires members to put the department's mission first in both word and action and do nothing to interfere with its accomplishment.

Count 16. Standard Operating Guideline 35.7 – Civil Unrest Incident Management Plan: Member Safety, which requires the transfer of stations at risk to a location outside the hot zone.

HEO Peden appealed his discharge to the Fire and Police Commission.

A week before the hearing, the Appellant filed a Motion to Compel Discovery. The motion sought numerous documents that were also the subject of an open records request and had not yet been produced to Appellant's satisfaction. Most of the documents concerned an investigation into another matter that occurred before the incident that gave rise to this discipline. The motion was denied because the Fire and Police Commission has no authority to enforce a public records request and Wis. Stats. Sec. 62.50,p does not provide for discovery practice. Section 62.50(13) provides that when notice of discharge or suspension is given to a member, the chief "shall also give the member any exculpatory evidence in the chief's possession related to the discharge or suspension." On the morning of the hearing, Appellant filed a Motion for Immediate Production of Exculpatory Evidence. It sought documents and recordings the Appellant claimed were exculpatory, but had not been turned over. The documents requested were limited to documents that related to the incident that gave rise to the discipline. The motion was granted and the requested documents were produced during the hearing.

SUMMARY OF PROCEEDINGS

A hearing was held and recorded by a stenographic reporter. Testimony was taken from the following witnesses:

For the Fire Chief: Firefighter Carlos P. Correa-Volkman
 Battalion Chief Michael Ciecwiwa
 Assistant Chief Aaron Lipski

For HEO Michael Peden: Rebecca Coffee, Esq.
 Doctor Jay Schrinsky
 Captain Michael Bongiorno
 HEO Michael S. Peden

FINDINGS OF FACT

We find the following facts have been established by a preponderance of the evidence.

1. On June 5, 2020, HEO Peden, who was also trained as a paramedic, was scheduled to work a 24-hour shift commencing at 8:00 A.M on the 5th and ending at to 8:00 A.M. on the 6th. He reported to work on time at Engine Company 11, 2526 S. Kinnickinnic Ave., also referred to as Station 11. He was assigned to Paramedic Unit 15 ("MED. 15"), along with Firefighter Carlos P. Correa-Volkman ("FF Correa-Volkman"), who was assigned as Acting Lieutenant. Because of the potential for civil disturbances on that day, the MFD put into effect Rally Command, which is an emergency Task Force Command functioning under civil unrest conditions, commanded by Assistant Chiefs Aaron Lipski ("Chief Lipski") and David Votsis ("Chief Votsis"). Under Rally Command, the Task Force is ready to respond to troubled areas, or "hot zones," and the remaining units must cover a larger area than usual. For the plan to work efficiently, that is, without response delays, each unit must be at its assigned location.

2. Protests had been occurring that day. In the late evening protesters were on a route that could block the street in front of Station 11, impeding the department's ability to dispatch vehicles and equipment from that station to answer emergency calls. As part of the redeployment, Rally Command ordered MED 15 to go to Station 12, located at 2130 West Oklahoma Avenue. The order came from Assistant Chiefs Lipski and Votsis to MED 15. It was routed to and through the Firefighting Deputy Chief, MFD Dispatch, Battalion Chief Michael Ciecwiwa, and FF Correa-Volkman, as Acting Lieutenant.

3. Upon receipt of the order, FF Correa-Volkman told HEO Peden to drive MED 15 to Station 12. After they left the station, HEO Peden told FF Correa-Volkman that he would not go to Station 12 because of issues he had with FF Jason Strzelecki ("FF Strzelecki"), who he believed was working there and that he would "lay-up" if he had to go to Station 12. "Lay-up" is a MFD term for taking sick leave; in other words, he would use sick leave as a means of avoiding going to Station 12. HEO Peden explained at the hearing that he had checked the department's Telestaff site that morning and it showed FF Strzelecki assigned to Station 12. He gave FF Correa-Volkman no other reason.

4. FF Correa-Volkman testified he then called his superior, Battalion Chief Michael Ciecwiwa ("Chief Ciecwiwa"), but the Chief ended the call to respond to a dive assignment before the conversation was completed. FF Correa-Volkman testified that the Chief told him he had to go to Station 12, but he felt the phone call had ended before he could give a good explanation of the situation and that he needed more guidance. He did understand that the order to go to Station 12 still stood. He then called Battalion Chief Gardner ("Chief Gardner") and told him that HEO Peden would not work with FF Strzelecki and would lay-up if the assignment were not changed. Gardner told him to go to Station 7 located at 3174 South Chase Avenue instead, and he would so notify the dispatcher. As they neared Station 7, Chief Ciecwiwa called. FF Correa-Volkman told him Chief Gardner redirected them to Station 7 and told him the reason for HEO Peden's objection. Chief Ciecwiwa told him he will proceed to 7 to discuss the matter with HEO Peden in person. After an aborted run they returned to Station 7, where Chief Ciecwiwa was waiting for them. Chief Ciecwiwa and HEO Peden discussed the situation out of FF Correa-Volkman's presence. While waiting in the firehouse, FF Correa-Volkman received a call from Chief Ciecwiwa who told him to take MED 15 to Station 12 as originally assigned. HEO Peden would remain with him at Station 7 until he could drive him to his car at Station 11. FF Correa-Volkman then took the unit, out of service, and drove to Station 12. He remained out of service for one half to one hour until another paramedic was assigned to the unit. That night, the department had four units in service with five person crews. To replace Peden, one of the crews was reduced to four and the fifth crew member was assigned to MED 15 for the remainder of the shift.

5. Chief Ciecwiwa testified that in his first phone conversation with FF Correa-Volkman, he was told that HEO Peden refused to go to Station 12 and threatened to "lay-up" because FF Strzelecki was assigned there. Chief Ciecwiwa told FF Correa-Volkman to go to Station 12. As FF Correa-Volkman was trying to more fully explain why HEO Peden would not go to Station 12, the call was cut short. Chief Ciecwiwa had to respond to a dive assignment, but he told FF Correa-Volkman he would call him back. Three to four minutes later, Chief Ciecwiwa's run was cancelled and he called back. FF Correa-Volkman told him Chief Gardner had approved going to Station 7 instead of 12. Chief Ciecwiwa told them to meet him at Station 7 so he could talk to HEO Peden

face to face. Chief Ciecwiwa, who continued to monitor events, did not consider 7 a safe operational site. Protest groups would hamper the ability of rigs at Station 7 to go to South or East, and there was no room to secure MED 15 inside the firehouse.

6. When HEO Peden met Chief Ciecwiwa at Station 7, he told him that he would not go to Station 12 because of a conflict with FF Strzelecki, who he believed was working at Station 12. HEO Peden did not state he could not do the job or that his safety had been threatened. Chief Ciecwiwa explained the need to go to Station 12 immediately. Protesters were already creating a potentially unsafe environment for Station 7 and it also might have to be relocated shortly. HEO Peden refused to go, shook his head and said "I'll go home." Chief Ciecwiwa did not order him to work with Strzelecki, but only wait at the same firehouse until cleared to return. He told him he could sit in his rig, or wait in a room in the firehouse. It was a large enough firehouse to avoid FF Strzelecki. HEO Peden still refused. Chief Ciecwiwa told him this was his last chance and gave him a direct order. HEO Peden refused to obey the order. Instead, he gave Chief Ciecwiwa an ultimatum, if he has to go to Station 12 he will "lay-up." Chief Ciecwiwa would have "let the whole thing go" at this point had he agreed to go to Station 12, but he refused. Chief Ciecwiwa told him, "You're going home. Take your stuff of the rig, you are going home unpaid." He then directed FF Correa-Volkman to take MED 15 to Station 12. When he drove HEO Peden back to Station 11 to get his car, Chief Ciecwiwa asked him why did he make him do this. HEO Peden talked about the difficulties the now-dismissed criminal case had caused him and complained about the chiefs and how they had wronged him. He also questioned why he should have to sit in a vehicle. Chief Ciecwiwa told him to write a 105 Report as to why he disobeyed a direct order. HEO Peden responded that he was not being paid so he will do it the next day when back on duty. HEO Peden knew he had disobeyed a direct order.

7. Chief Ciecwiwa sent him home because HEO Peden was not working and was not sick. He did not ask to go on sick leave. He was able to work at Station 7. Sick leave cannot be used to avoid an order or avoid working with someone else. His departure was recorded in the Engine 11 log at 22:45, "HEO Peden off on UPT." (Unpaid Time) (Ex. 1) Chief Ciecwiwa changed Peden status on Telestaff to "No Pay - Failed to Work No Pay." The staffing roster for Engine 11, MED 15, lists Peden as AWOL. (Ex. 9) Later that night Station 7 and Station 11 were cleared for use and the units were sent back to their original stations.

8. Chief Ciecwiwa explained that in cases of member conflicts, the department will assign members to different firehouses but it cannot ensure that no contact would occur during operations and expects all members to respond to dispatches, directives, and orders. Encounters between members in conflict with each other are inevitable but department operations take priority. HEO Peden made no comment that he could not do his job at Station 12 or that there was a threat to his safety at Station 12. Optimum posting of units was a high priority issue under the Rally Command plan and Station 12 was selected as the location from which to operate under the plan.

9. Chief Ciecwiwa reported HEO Peden's refusal to obey his direct order. Assistant Chief Lipski was in charge of the investigation. Chief Lipski received Chief Ciecwiwa's and FF Correa-Volkman's reports of the incident and HEO Peden's two responses. (Exs. 3, 4, 5, 6) In his response of June 8, 2020, entitled "Further Revictimization of Michael Peden by MFD." (Ex. 6) HEO Peden, after inveighing against the MFD command staff about their handling of a sexual assault complaint

against him in 2017 and the ensuing investigation, he explains that as a PTSD survivor he avoids three people on the MFD, among them FF Strzelecki, who's names triggers "intense and invasive feelings or distress because their lack of truthfulness and omission of facts spawned the injustice I and my family have endured since October 2017." When repositioned to Station 12, he told FF Correa-Volkman he could not work from the same firehouse as FF Strzelecki and that if he could not go to a different firehouse, he would go home for his own safety and well-being. When Chief Ciecwiwa told him he had to go the Station 12 regardless of his objection to working out of the same firehouse as FF Strzelecki, he told the Chief that if he could not go to somewhere else he would rather go home. The Chief then told him to go home and ordered him to submit a 105 explaining why he refused his order to go to Station 12. In the end, he claims he was "forced" to disobey the order because of Chief Lipski's failure to prevent the misconduct that resulted in false charges being levied against him. Chief Lipski, however, did not conduct the earlier investigation. After reviewing HEO Peden's 105 report, Chief Lipski spoke to Chief Ciecwiwa to verify exactly what he had said to Peden. He was concerned about Peden's statement "I was told to go home by Chief Ciecwiwa;" however, Chief Ciecwiwa was absolutely clear he had ordered Peden to go to Station 12 and Peden replied, "I'll go home, I'll go home." Chief Lipski then drew up the charges and HEO Peden was given an opportunity to respond to the charges.

10. On June 14, 2020, HEO Peden responded to the charges. He criticized MFD management for the manner in which the charges were read to him and accused Fire Chief Rohlfing of hiding behind a doorway to eavesdrop. He accused Chief Lipski of not being objective or impartial. He criticized the charges because they did not mention his reasons for not following a direct order; that is, the charges do not state that he believed his health and wellbeing were compromised by the relocation order, and that he explained to Chief Ciecwiwa that his order to take MED 15 to the firehouse where FF Strzelecki was assigned is why his "brain snapped." He claimed Chief Ciecwiwa ordered him to go home; therefore, he was not A.W.O.L. HEO Peden described his action as an "unintentional error." Finally, he criticizes the earlier investigation of the sexual assault accusation against him and accuses former Assistant Chief Gerard Washington, Chief Lipski, then Battalion Chief Sharon Purifoy and two firefighters of giving false and/or misleading statements to the MFD. (Ex. 5) On June 17, 2020, the Chief discharged HEO Peden.

11. Under MFD sick leave policy, a member who is not sick is not allowed to take sick leave. Sick leave cannot be used to avoid a work assignment. A member who becomes sick on the job must immediately notify their supervisor to use sick or injury leave and immediately complete electronic F-121, and, if sworn also enter the lay-up in TeleStaff, make entries on the front of the F-260, and in the company journal/daybook. (Ex. 7) In this case, a leave of absence report, the F-121, was filled out by Captain Mark H. Grade, and indicated "HEO Peden went home on unpaid time. Time card reflects same." HEO Peden later filed a grievance against the MFD with the Department of Employee Relations because he was not allowed to use sick leave. The grievance was denied. The department concluded that when he left the work place he was told he would be placed on AWOL and his time would be unpaid. He did not fill out any paperwork to attempt to request sick leave. In sum, the department noted, "The grievant never actually requested sick leave, therefore, he could not be denied the use of sick leave." (Ex. 12)

12. In his defense, HEO Peden called his former criminal defense attorney, Rebecca Coffee, and his psychologist, Dr. Jay Schrinksky ("Dr. Schrinksky"). Attorney Coffee testified that she undertook

his representation in 2017, when he was charged with second degree sexual assault based on the complaint of Firefighter A.E. He faced a maximum of forty (40) years in prison if convicted. FF Strzelecki, who was A.E.'s boyfriend at the time, was interviewed in the investigation. The case was dismissed in July, 2019.

13. Dr. Schrinsky is a psychologist who works with police agencies. HEO Peden became a patient of his in 2018, after he was arrested and charged for sexual assault to help him manage the stress he was under. Dr. Schrinsky opined that HEO Peden suffers from PTSD from his arrest, the sexual assault charges levied against him, and the events that ensued from the charges. As a consequence, he suffers from what he called an irrationally overcautious state. Dr. Schrinsky testified that in the course of one of their sessions, "he confided in me that he thought they were; and I'll quote, 'They're going to kill me.' So he positioned firearms throughout his house. He encouraged his wife to get a concealed carry permit. His level of hypervigilance was almost uncontrollable." He believed that when he returned to work he would be set up for firing by department members. FF Strzelecki is one who might set him up. Nevertheless, Dr. Schrinsky opined that HEO Peden does not require an accommodation to do his job, but he should not be exposed to three people. He was capable of following the order given to him in this case, but, in his opinion, it was not in his best interest to do so. Finally, the MFD was never told of his PTSD diagnosis. The MFD physician was not notified of his diagnosis, nor was an injury report filed claiming a PTSD injury.

14. HEO Peden testified that he did not try avoid an assignment, but tried to avoid working with three people, Captain Sharon Purfoy, FF. Jason Strzelecki, and A.E., who he claims tried to frame him of a sexual assault against A.E. after he gave A.E. an negative performance review. He feared FF Strzelecki might assault him or make more false allegations. On the morning of June 5th, he checked Telestaff to ascertain their locations. He said he would work with Strzelecki on a run because there would be other people present, but when asked why he did not go the Station 12 as ordered, he replied his "brain snapped." He could not further articulate why he could not go to Station 12 other than to say his brain would not let him go there. He could not make logical decisions. He admits he was given a direct order and that he did not obey it, but explained that he was in a panic and could not process it. He admits Chief Cieciva explained to him at Station 7 why he had to move, but either it did not register or it did not overcome his fear. He understood Chief Cieciva's statement, "Then go home," to be an order. When he said "I'll lay-up," it was his sick leave request. He expected to be disciplined for his refusal to obey an order, but did not expect to be discharged. He never sought assistance through the MFD's Employee Assistance Program.

CONCLUSIONS OF LAW

15. This appeal is governed by the seven just-cause standards set forth in Wis. Stat. sec. 62.50(17) (b). The Commission must find by a preponderance of the evidence that there is just cause to sustain the charges. Preponderance of the evidence means "more likely than not," rather than just possible. See, e.g., *U.S. v. Johnson*, 342 F.3d 731, 734 (7th Cir. 2003). We conclude that the seven just cause standards are satisfied and sustain the imposition of a discipline of discharge.

16. The first just cause standard asks, "whether the subordinate could reasonably be expected to have knowledge of the probable consequences of the alleged conduct." A reasonable member

of the MFD could be expected to know that disobeying a direct order from a Battalion Chief would be a violation of department rules and result in discipline. The same is true for attempting to use sick leave when not sick as a means of avoiding a work assignment. The numerous rules stated in the charges make repeated reference to the need to follow orders, respect officers of higher rank, remain at one's assigned post, perform assigned duties, not be absent from work without permission, conduct oneself with integrity, set an example for others, cooperate with colleagues, render service promptly, assume responsibility, complete assigned duties efficiently, put department need ahead of personal need, and abide by department operational plans. Moreover, HEO Peden testified he knew he was violating a rule when he disobeyed Chief Ciecwiwa's direct order to relocate and expected to be disciplined. We conclude the Chief has satisfied the first standard by a preponderance of the evidence.

17. The second just cause standard asks, "whether the rule or order the subordinate allegedly violated is reasonable." The rules alleged to have been violated in this case are necessary to maintain the operational efficiency, integrity, and professionalism of the MFD. Moreover, there has been no challenge to the reasonableness of those rules. We conclude the Chief has satisfied the second standard by a preponderance of the evidence.

18. The third just cause standard asks: "whether the Chief, before filing the charge against the subordinate, made a reasonable effort to discover whether the subordinate did in fact violate the rule or order." Chief Lipski testified regarding the effort made to investigate this case. He reviewed the reports of FF Correa-Volkman and Chief Ciecwiwa. He further reviewed FF Peden's 105 report, explaining why he disobeyed Ciecwiwa's order and his response to charges memorandum. Chief Lipski further spoke to Chief Ciecwiwa to verify exactly what he said to HEO Peden. We conclude the Chief has satisfied the third standard by a preponderance of the evidence.

19. The fourth just cause standard asks, whether the investigative effort described above was "fair and objective." There is nothing in the record establishing that the investigation of these charges was unfair or not objective. The facts that led to the discipline are basically undisputed. FF Peden criticized the department's investigation of a prior sexual assault allegation as unfair and bias, but no unfairness or bias was established concerning this investigation. The Chief has satisfied the fourth standard by a preponderance of the evidence.

20. The fifth just cause standard asks, "whether the Chief discovered substantial evidence that the subordinate violated the rule or order as described in the charges filed against the subordinate." We find that Chief Ciecwiwa's order was lawful and proper. In the end, all Chief Ciecwiwa asked HEO Peden to do was to sit in his rig or a side room in the firehouse until the threat of disruption passed. The Chief's finding that FF Peden violated numerous MFD rules is supported by evidence in the record as summarized above. In addition, FF Peden admitted that when he disobeyed Chief Ciecwiwa's order, he knew he was violating rules and would get disciplined. Moreover, we find that the testimony of Chief Ciecwiwa concerning what was said between him and FF Peden is credible; that FF Peden's testimony that he went home on sick leave rather than unpaid time is not credible; and that FF Peden's explanation that he could not sit in his rig or in a side room at Station 12 because of the presence of another firefighter is not persuasive. The gist of HEO Peden's testimony is that he was incapable of following the order because his "brain snapped." Dr. Schinsky, however, testified that Peden was capable of following the order, but having contact with


Strzelecki would not have been in his best interest. Nevertheless, he could have complied with the order and avoided contact with Strzelecki by simply sitting in his rig or waiting in a closed room in Station 12. We conclude the Chief has satisfied the fifth standard by a preponderance of the evidence.

21. The sixth just cause standard asks, "whether the Chief is applying the rule or order fairly and without discrimination against the subordinate." As discussed above, we find that the investigation was conducted in a fair and objective manner. We conclude the Chief has satisfied the sixth standard by a preponderance of the evidence.

22. The seventh and final just cause standard asks, "whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the department. FF Peden was discharged because of the rule violations he committed on June 5, 2020. His record of good service is not sufficient to overcome the serious nature of those violations. The testimony in the record, particularly that of Chiefs Lipski and Cieciva, and the litany of rules violated as listed in this Decision and summarized in paragraph 12 above, establish the serious nature of the violations. FF Peden willfully disobeyed the lawful and proper order of numerous superior officers and thereby undermined the implementation of the Rally Command plan during a period of civil unrest. Chief Lipski testified that the plan works when people do what they are told to do. There is no time to sort out personal employee issues. As redeployments under the plan were being executed, he put his personal interest above the safety of the public and department members. He could have easily complied with Chief Cieciva's order by sitting in his rig or inside a room at Station 12 until cleared to return to his firehouse; instead, he disobeyed Chief Cieciva's order and improperly attempted to use sick leave to avoid the consequence of disobeying Chief Cieciva's order. We conclude the Chief has satisfied the seventh standard by a preponderance of the evidence.

DECISION

The discipline imposed by Fire Chief Mark Röhlfing is sustained and the good of the service requires Michael S. Peden to be discharged from the Milwaukee Fire Department pursuant to the terms noted in the MFD Complaint dated June 17, 2020.



Commissioner Everett L. Cocroft

10.21.2020
Date

Commissioner Fred L. Crouther

Date



Commissioner Ann Wilson

10/20/2020
Date

Strzelecki would not have been in his best interest. Nevertheless, he could have complied with the order and avoided contact with Strzelecki by simply sitting in his rig or waiting in a closed room in Station 12. We conclude the Chief has satisfied the fifth standard by a preponderance of the evidence.

21. The sixth just cause standard asks, "whether the Chief is applying the rule or order fairly and without discrimination against the subordinate." As discussed above, we find that the investigation was conducted in a fair and objective manner. We conclude the Chief has satisfied the sixth standard by a preponderance of the evidence.

22. The seventh and final just cause standard asks, "whether the proposed discipline reasonably relates to the seriousness of the alleged violation and to the subordinate's record of service with the department. FF Peden was discharged because of the rule violations he committed on June 5, 2020. His record of good service is not sufficient to overcome the serious nature of those violations. The testimony in the record, particularly that of Chiefs Lipski and Ciecwiwa, and the litany of rules violated as listed in this Decision and summarized in paragraph 12 above, establish the serious nature of the violations. FF Peden willfully disobeyed the lawful and proper order of numerous superior officers and thereby undermined the implementation of the Rally Command plan during a period of civil unrest. Chief Lipski testified that the plan works when people do what they are told to do. There is no time to sort out personal employee issues. As redeployments under the plan were being executed, he put his personal interest above the safety of the public and department members. He could have easily complied with Chief Ciecwiwa's order by sitting in his rig or inside a room at Station 12 until cleared to return to his firehouse; instead, he disobeyed Chief Ciecwiwa's order and improperly attempted to use sick leave to avoid the consequence of disobeying Chief Ciecwiwa's order. We conclude the Chief has satisfied the seventh standard by a preponderance of the evidence.

DECISION

The discipline imposed by Fire Chief Mark Rohlfing is sustained and the good of the service requires Michael S. Peden to be discharged from the Milwaukee Fire Department pursuant to the terms noted in the MFD Complaint dated June 17, 2020.

Commissioner Everett L. Cocroft

Date

Fred L. Crouther

Commissioner Fred L. Crouther

October 20, 2020

Date

Commissioner Ann Wilson

Date