

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
JARVIS WELLS

ORDER

September 26, 2018

This matter came before the Board upon dismissal of the Employee from his employment with the Alabama Department of Mental Health ("DMH"). The Employee was dismissed from employment on May 17, 2018, based on charges contained in a letter dated May 14, 2018. This matter was assigned to Administrative Law Judge Randy C. Sallé and a hearing was held on July 17, 2018. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DMH charges that the Employee violated DMH Policy 70-5, Employee Conduct and Accountability: II.1.aa (Alteration and/or falsification of Department and/or facility documents/records.) DMH also charges that the Employee violated State Personnel Board General Work Rule; 670-X-19-.01(1)(a)(1) - (Absenteeism); and 670-X-19-.01(1)(b)(6) - (Falsification of records - Application for Employment, time card, doctor's excuse, etc.)

A review of the Employee's recent work history shows: Two (2) Verbal Counselings in December 2017 for absenteeism and for violation of Dress Code Policy; and three (3) Written Reprimands from January 2018 to March 2018 for insubordination, unexcused absences, and absenteeism.

The Employee was employed by DMH as a Mental Health Worker I at Bryce Hospital. The Employee submitted a series of medical statements from the Druid City Health System ("DCH") to support his absences from work on December 30, 2017, February 16, 2018, February 23, 2018, and March 7, 2018. A representative from the Bryce Hospital Human Resources Department attempted to verify the medical statements from DCH. The written report received from DCH indicated that there was no medical information concerning the Employee at DCH on any of the dates mentioned above.


The Employee violated rules by falsifying several doctor's excuses. The Employee also had multiple unexcused absences. The Employee failed to provide any set of circumstances or explanation that would mitigate his discipline. DMH cannot condone this behavior.


The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal be upheld. The Board hereby adopts by reference the findings of fact and conclusions of law as found by the Administrative Law Judge as a part of this Order as if fully set forth herein.


The Board has carefully considered the Administrative Law Judge's Recommended Order and is of the opinion that the decision of the appointing authority to dismiss the Employee is supported by the evidence and that the termination is warranted.

It is therefore the Order of this Board that the decision of the appointing authority to dismiss the Employee is hereby affirmed.


JACKIE GRAHAM
SECRETARY


FAYE NELSON
MEMBER


LIANE KELLY
MEMBER


MYRON PENN
MEMBER

EVAN M. THORNTON
MEMBER

DAVID R. MELLON
MEMBER