

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA

**IN THE MATTER OF
SHIRLEY A. TAYLOR v. APRIL CANNON**

ORDER

November 16, 2016

This matter came before the Board upon charges being filed against April Cannon ("Respondent"), an employee of the Department of Finance working with the State Employees Injury Compensation Trust Fund ("SEICTF"), by Shirley A. Taylor ("Complainant"), who was formerly employed by the Alabama Department of Mental Health. The action was brought pursuant to Ala. Code, 1975, § 36-26-27(b) which provides that charges may be brought for the removal of a State employee by any officer, citizen or taxpayer of the State. The Complainant filed her charges with the State Personnel Board on September 28, 2016. This matter was assigned to Administrative Law Judge James Jerry Wood. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

A prehearing conference was held on October 6, 2016. During the prehearing conference, Complainant stated that she had been injured during the course of her work as an employee of the Alabama Department of Mental Health in December 2015 and again in January 2016. Subsequent to each injury, she filed claims with SEICTF. At some point, a dispute arose between Complainant and SEICTF regarding the manner in which SEICTF decided to

adjudicate the claim(s), resulting in Complainant filing an appeal with the SEICTF Review Board pursuant to Ala. Code, 1975, § 36-29A-8. Thereafter, the SEICTF Review Board decided to stay the appeal proceeding upon its discovery that Complainant had recently filed for bankruptcy protection, which provides an automatic stay of certain legal proceedings.

Complainant represented during the prehearing conference that rather than making a citizen complaint, the primary purpose of her filing was to seek relief regarding SEICTF's determination of her claims. She stated that she would be contacting the attorney handling her bankruptcy to request that he have the automatic stay provided by the bankruptcy filing lifted so that her appeal before the SEICTF Review Board can proceed.

It is the recommendation of the ALJ that this case should be **DISMISSED WITHOUT PREJUDICE** subject to the lifting of the automatic stay associated with Complainant's bankruptcy filing and the resolution of her SEICTF Review Board appeal.

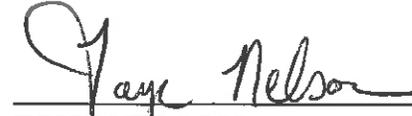
The Board has carefully considered the Administrative Law Judge's Recommended Order and is of the opinion that the decision to dismiss this case without prejudice is warranted.

It is therefore the Order of this Board to dismiss this case without prejudice.

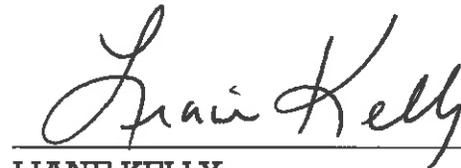


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MEMBER



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MYRON PENN
MEMBER

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