BEFORE THE STATE PERSONNEL BOARD
IN THE MATTER OF

JOHN A. RODEN, )
) Appellant,

v. )
) Case No: 22-02-RCS

ALABAMA LAW ENFORCEMENT )
AGENCY, )

Appellee.

RECOMMENDED ORDER TO THE STATE PERSONNEL BOARD

This Recommended Order arises from an employment termination action by the Alabama Law Enforcement Agency (hereinafter “ALEA”). ALEA terminated the employment of John Roden (hereinafter “Roden”) based upon his failure to perform his job properly; insubordination; serious violation of professional behavior and conduct; and conduct unbecoming a State employee. The evidence presented by ALEA during the hearing demonstrated Roden violated numerous ALEA work rules and policies, including serious violations. Therefore, ALEA’s decision to dismiss Roden was within its authority and should be upheld.

A hearing was held on Wednesday, November 30, 2021, in the State Personnel Board Hearing Room at the State Personnel Department in Montgomery, Alabama. Noel Barnes, Esq. and Michelle Cone, Esq. appeared as counsel on behalf of ALEA. Clay Teague, Esq. appeared as counsel on behalf of Roden.
ALEA introduced into evidence 24 exhibits consecutively marked ALEA Exhibits 1-24. Roden’s ALEA personnel file located at the Alabama State Personnel Department is included in the record as evidence in this cause.

ALEA called the following individuals as witnesses during the hearing:

(1) Corporal Seth Hannah, Department of Public Safety, Highway Patrol;
and

(2) Retired Lieutenant Samuel Pickett, Department of Public Safety, Highway Patrol.

Roden testified on his own behalf.

I. PROCEDURAL HISTORY AND CHARGES

Roden began State employment in November 2017 as an Alabama State Trooper, Trainee when he was hired by ALEA. Roden was promoted to Alabama State Trooper in May 2018 and promoted to Alabama State Trooper, Senior in May 2020. On two occasions, Roden’s probationary period as Trooper, Senior, was extended due to disciplinary issues. Roden remained a Trooper, Senior until his dismissal.

Following the pre-dismissal conference conducted on September 16, 2021, ALEA terminated Roden’s employment, effective close of business September 24, 2021. See ALEA Exhibit 3 (dismissal letter dated September 23, 2021, signed by ALEA Secretary Hal Taylor). ALEA determined:
In a memorandum dated August 6, 2021, Colonel James Helms, Director of the Department of Public Safety, notified you of his recommendation that ALEA suspend your employment based on the charges outlined in the memorandum. However, after you were served with the August 6 notice, you failed to follow orders, both oral and written, from your chain of command. As a result of your blatant insubordination, Colonel Helms revised his memorandum on September 1 to recommend that the Agency terminate your employment from State service.

Based on your status as a permanent merit system employee, ALEA provided you with notice of your right to either hold a pre-disciplinary conference before an impartial Reviewing Officer, submit a written response in lieu of holding a conference, or decline to hold the conference or submit a written response, thereby accepting the recommended discipline. To specify, your election, you were directed to complete and e-mail a Hearing Memorandum to the ALEA Personnel Division no later than the close of business, September 7. You returned the Hearing Notice on September 2 wherein you indicated your desire to hold a pre-disciplinary conference, which was held before a Reviewing Officer on September 16 at ALEA headquarters in Montgomery, Alabama. You were present for the conference, along with your counsel, Clay Teague. Noel Barnes and Michelle Cone appeared as legal counsel for ALEA.

After considering all available information, including your overall work history, the Reviewing Officer submitted a recommendation that ALEA reduce the recommended termination to a 5-day suspension. However, I reviewed the Reviewing Officer’s recommendation and investigated the information you provided at the hearing. As the final decision-making authority in these matters, I find the totality of the information support Colonel Helms’s recommendation to terminate your service with the State at the close of business September 24, 2021.

...
Roden timely appealed his employment dismissal to the State Personnel Board and requested a hearing, pursuant to ALA. CODE § 36-26-27(a) (1975). In its Short Plain Statement of Facts, ALEA reiterated its charges against Roden and cited the same State Personnel Board General Work Rules and ALEA policies listed in the charge and dismissal letters.

A pre-hearing conference was held on October 12, 2021, and the parties mutually selected November 30, 2021, as the hearing date. On November 30, 2021, the undersigned conducted a de novo hearing, at which ore tenus and documentary evidence was received.

II. FACTUAL BACKGROUND

Having reviewed the documentary evidence and having heard the testimony presented at the hearing and having observed the witnesses’ demeanor and assessed their credibility, the undersigned finds the greater weight of the evidence supports the following findings of fact. ¹

A. Employee’s Personnel File²

Roden’s annual performance appraisals while at ALEA reflect:

¹ All references to exhibits and testimony are intended to assist the State Personnel Board in considering this Recommended Order and are not necessarily the exclusive sources for such factual findings.

² See generally State Personnel Board Rule 670-X-18-02(5) (employee’s work record, including performance and disciplinary history, considered in dismissing employee).
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Roden’s prior disciplinary actions include:

- Counseling for a May 17, 2021 violation of conduct unbecoming and an April 29, 2021 violation of ALEA employee conduct, Regulation #74.

- A Written Reprimand for Failure to perform job properly on or around January 6, 2021.

- A Written Reprimand for failing to perform the duties of a Trooper on or around July 28, 2020.

- A Counseling for Court Attendance on or around October 21, 2019.


- A Counseling for Failure to perform job properly on or around August 12, 2019.

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3 Trooper, Senior Final Probationary Performance Appraisal.

4 Trooper, Senior Probationary Performance Appraisal, probationary period extended for three months after Roden received a Reprimand for failure to comply with rules.

5 Trooper, Senior Probationary Performance Appraisal, probationary period extended for three months after Roden received a Reprimand for failure to perform job properly among other charges.

6 Trooper Final Probationary Performance Appraisal.

7 Trooper, Trainee Final Probationary Performance Appraisal.
• A Counseling for Failure to perform job properly on or about August 8, 2019.

B. ALEA Policies/Procedures Forming the Basis of the Charges

ALEA Personnel Policies & Procedures, Chapter 10, Section II provides, in part:

(1) In addition to any special rules implemented by the various Directors for the guidance of their employees, the following standard general work rules shall apply to all Agency employees. The lists are not all-inclusive and there is no implication that discipline may not be imposed for other sufficient reasons. These rules are consistent with the Rules of the State Personnel Board, as amended, Chapter 670-X-19-.01.

(a) Violations that normally result in disciplinary actions of increasing severity:

... 

4. Failure to perform job properly.

...

(b) More serious violations that may result in suspension or discharge on the first offense.

...

2. Insubordination – Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words, with the one exception of not following an order the employee has good reason to believe is unsafe or illegal.

...

10. Serious violation of any other Agency rule.
13. Conduct Unbecoming a State Employee.

ALEA Policy Operations & Administration, Order Number 1-0, Law Enforcement Code of Ethics states:

I. PURPOSE
To establish standards of conduct required of sworn officers employed by the Alabama Law Enforcement Agency.

II. POLICY
Sworn law enforcement officers (hereinafter, "Officers") employed by ALEA have a great privilege and responsibility to uphold a higher standard of conduct, on and off duty, which does not apply to regular, non-sworn employees. The lens of the microscope under which Officers work is intense with considerable attention and feedback being offered by the general public, media outlets and the like, ' Therefore, ALEA has adopted the following Law Enforcement Code of Ethics as a general standard of conduct for all Officers to abide by in their professional and personal lives;

"As a law enforcement officer, my fundamental duty is to serve the citizens of the State of Alabama; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency, I will maintain courageous calm in the face of danger,
scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession…law enforcement.”

ALEA Policy Organization & Administration, Order Number 1-7, Duties of an ALEA Senior Trooper, states, in pertinent part:

**I. PURPOSE**

To establish the duties and responsibilities of an ALEA Senior Trooper assigned to the Department of Public Safety.
II. POLICY

The primary duty of an ALEA Senior Trooper is to protect the life and property of the public through the enforcement of State and Federal laws within the State of Alabama. They must possess adequate physical and mental stamina to perform prescribed duties.

Senior Troopers must exercise discretion, courtesy, tact, firmness, and sound independent judgment while performing their duties. Senior Troopers shall provide leadership and counsel for other Senior Troopers and by their own bearing and conduct; they will set an example for these Senior Troopers. Troopers may be called on twenty-four hours a day and may be required to travel frequently. It may become necessary for Troopers to be away from home for extended periods of time. Troopers must accept assignments anywhere in the State.

Senior Troopers must be emotionally stable and willing to tolerate the physical discomforts and dangers inherent in the work. Senior Troopers must be fully competent when performing all assigned duties. A Senior Trooper must also have the initiative and desire to faithfully serve the public and to undertake the implied duties of an ALEA Senior Trooper assigned to the Department of Public Safety.

III. PROCEDURES

Senior Troopers will maintain neat and orderly appearance and project a professional law enforcement image. Senior Troopers should always strive to gain and keep the respect of the public. Conduct will be exemplary.

...
Senior Troopers are thoroughly familiar with their assigned territory. Senior Troopers patrol roads, highways, and waterways as assigned, enforcing applicable laws, regulations, rules, and administrative policy and rendering assistance to motorists/boaters. They will issue arrest citations or warning tickets as needed. Senior Troopers will investigate traffic/boating crashes in accordance with ALEA, Division, and Personnel policy. Senior Troopers will perform routine patrol duties in compliance with Divisional policy. Senior Troopers will also complete any additional assignments as directed by supervisors.

A. Administrative

Senior Troopers shall properly complete all paperwork including activity reports, arrest citations, warning tickets, driver assist forms, and accident reports. Reports and forms must be submitted in a timely manner, to the proper authority, as required by statute or regulation. When directed by supervisors, any other forms, reports, documents or correspondence assigned to the Senior Troopers, will be completed in the manner described above.

B. Investigations

Senior Troopers will investigate all vehicle/vessel crashes they are assigned to investigate. In addition, they will investigate complaints received regarding hazardous roadway conditions or other hazardous situations. Senior Troopers will assist other agencies with their investigations as required or when directed to do so.

C. Maintenance and Supply

A Senior Trooper shall maintain all state issued equipment in good condition mid report any disrepair or malfunctions to his/her supervisor immediately. Senior Troopers will maintain an appropriate amount of expendable operating supplies.

...
ALEA Policy Operations, Order Number 2-15, Employee Conduct, states, in pertinent part:

I. PURPOSE

To define conduct and activity unbecoming an employee of the Department of Public Safety.

II. RULE

All sworn officers of the Department of Public Safety shall obey all laws of the United States, Alabama state laws, the laws of other states, municipal ordinances, and other local laws; all members of the Agency shall conduct themselves at all times, whether on duty or off, in such manner so as to reflect most favorably upon the Agency; all members shall conduct themselves in a proper, respectful, professional, and ethical manner and shall not engage in any act or acts which constitute misconduct or conduct unbecoming an employee of ALEA. Instances of Conduct Unbecoming may result in Progressive Discipline up to and including termination of employment.

III. DEFINITIONS AND EXAMPLES

A. Conduct unbecoming – any conduct that adversely affects the morale, operations, or a tendency to adversely affect, lower, or destroy public respect and/or confidence to the Agency or brings discredit upon the officer, employee, or the Agency as a whole. Conduct unbecoming also includes any conduct which brings the Agency or members of the Agency into disrepute.

...
To establish guidelines and policy for ALEA employees attending court.

II. POLICY

Employees will attend court or be on call as the court mandates on days they have cases set or when they receive a subpoena or other notification unless excused by the trial judge, district attorney, or the defense attorney who had them subpoenaed. Officers are encouraged to limit the time involved in court appearances to provide for more patrol time while still meeting the requirements set forth by the court.

...  

C. Facts Forming the Basis of Dismissal

On May 10, 2021, ALEA Captain Michael Mcbrayer ("Mcbrayer"), Troop F Commander, received a letter from District Judge Mitchell S. Floyd regarding Roden. In his letter, Judge Floyd complained that Roden failed to appear in court in Marshall County on numerous occasions. The Judge included in his letter, "I am disgusted with what I have heard over the last several months from people having been stopped by Mr. Roden. I am disappointed that he doesn't appear for court. And I am tired of hearing from others in law enforcement, retired law enforcement, and the public about his lack of courtesy and respect." The Judge concluded his letter by asking Mcbrayer to prohibit Roden "[f]rom making any more traffic stops,
responding to any accident scenes, or in any way from interacting with the public in Marshall County in a professional capacity.”

Mcbrayer assigned ALEA Corporal Seth Hannah (“Hannah”) to investigate the allegations made in Judge Floyd’s letter. Hannah’s investigation confirmed Roden failed to appear in court on days he was subpoenaed to be there, and days Roden scheduled at the time he wrote and issued traffic tickets. Hannah met with Adam Culbert (“Culbert”), Assistant District Attorney for Marshall County, about Roden. Culbert told Hannah that Roden was writing tickets for 2 or 3 miles an hour over the posted speed limit and wrote 16 traffic citations on a single individual on a pursuit-related traffic stop.

Hannah also spoke with Marshall County Clerk Halea Carr (“Carr”). Carr told Hannah that her office had difficulty with Roden failing to timely swear to tickets he wrote. Hannah reviewed records and confirmed he was contacted personally on at least three occasions where the Clerk’s office asked him to follow-up with Roden regarding late UTC transmittals.

On May 20, 2021, Hannah spoke with Marshall County Sheriff Phil Sims (“Sims”). Sims told Hannah that he received numerous complaints about Roden from several Marshall County citizens. The complaints largely focused on Roden’s

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8 ALEA Exhibit 9.
poor attitude when dealing with the public during traffic stops. Hannah pulled Roden’s bodycam footage from a few complaints mentioned by Sims and Floyd.

Hannah reviewed Roden’s bodycam footage from a May 10, 2020, traffic stop of Gary Spurlock (“Spurlock”). Spurlock was ticketed for driving 68 miles per hour in a 65 miles per hour zone. Spurlock passed Roden, who then pulled him over. During the stop, Roden ticketed Spurlock for speeding and issued Spurlock a warning for dark window tint. Spurlock asked Roden why troopers were allowed to have darker window tint. After this question, Roden returned to his patrol car and changed Spurlock’s warning to a ticket. Roden then returned to Spurlock’s vehicle and argued with Spurlock over the event of the traffic stop. At one point, during the traffic stop, Roden told Spurlock that passing a State Trooper was guaranteed to get you pulled over. Roden called it a “respect issue.”

Hannah reviewed a September 8, 2020, traffic stop that was a concern for Floyd. Roden pulled over Kimberly Cooper (“Ms. Cooper”) for speeding. Ms. Cooper was, in fact, speeding. She explained to Roden her mother was being rushed to a local hospital for emergency heart surgery and she was on her way to be with her. Roden initially gave Ms. Cooper two tickets and a warning. After a brief exchange with Ms. Cooper where she expressed frustration for receiving a ticket,

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9 ALEA Exhibit 11, copy of the traffic citation and ALEA exhibit 12, video of the traffic stop.
Roden returned to his vehicle and changed the warning to a third ticket. Roden then approached Ms. Cooper’s car, gave her the three tickets and then threw her license at her, through her car window.\textsuperscript{10}

Hannah also reviewed a March 23, 2021 traffic stop involving Roden and Trooper Charles. According to the video and Hannah’s review of the video, Trooper Charles was placing the driver under arrest for an outstanding warrant. The driver was cooperative, although not moving very quickly. Once outside the car, the driver faced the car. As Trooper Charles was placing the driver under arrest, Roden told the driver, “I’m about to beat your ass if you act up.” Hannah believed the comment was unnecessary based upon the events on the video and was concerned such comments would escalate a situation that appeared under control.

Hannah characterized Roden’s interactions with the public as argumentative, condescending, shocking, disrespectful and unprofessional. Hannah testified that in addition to Floyd’s letter denouncing Roden’s behavior, Sims called Roden’s interactions unprofessional. Hannah testified that based upon his investigation, on August 5, 2021, a recommendation was made to suspend Roden. Hannah believed a suspension would offer ALEA an opportunity to rehabilitate Roden. On August 17, 2021, Roden requested an opportunity for a fair hearing on the suspension and

\textsuperscript{10} ALEA Exhibit 20, copy of traffic citation and ALEA Exhibit 21, video of the traffic stop.
indicated he would be represented by counsel. A pre-hearing was scheduled for September 9, 2021.

On August 19, 2021, Robin Ennis, from the ALEA legal division, attempted to contact Roden via e-mail to get the contact information for Roden’s legal counsel. Roden failed to respond to the request. On August 27, 2021, Ennis again reached out to Roden in an attempt to gain the information. Roden failed to promptly respond. ALEA Administrative Bureau Director Stan Goolsby ("Goolsby") contacted Mcbrayer to obtain assistance in acquiring the necessary information. Mcbrayer contacted ALEA Lieutenant Samuel Pickett ("Pickett") to follow up with Roden. Pickett called Roden at 9:45 a.m. Roden admitted he received the messages from Ennis and admitted he did not respond. Roden claimed he told Pickett he had counsel, but his attorney had COVID and his case was being reassigned. Pickett ordered Roden to respond to Ennis’ request for information by lunchtime on that same day.

Around 1:40 p.m., Ennis called Pickett and told him Roden still had not responded with the requisite information for the pre-hearing. Pickett contacted Roden and asked why he failed to follow through with the directive. Roden told Pickett he took lunch from noon until 1:00 p.m. but did not have time to respond. After Pickett gave Roden a second directive, Roden finally responded to Ennis’ email at 2:19 p.m., but still did not provide the information requested. Pickett
ordered Roden to provide a written statement explaining why he did not respond to Ennis’ email more timely and why he failed to follow Pickett’s order. Roden’s attorney called Ennis and Pickett later that day and provided the necessary contact information.

After Roden’s failure to provide ALEA’s administrative staff with his attorney’s contact information in a timely manner and his failure to follow Pickett’s directive to respond to Ennis by lunch, Roden’s recommended 3-day suspension was changed to a recommendation for termination of his employment with ALEA.

Pickett testified at the hearing. Pickett testified that Roden failed to follow his instruction to contact Ennis and provide the contact information for his attorney by lunch. Pickett questioned Roden about why he did not comply and felt Roden responded in a disrespectful manner. Pickett told Roden his failure to follow orders was unacceptable. Pickett testified the information was needed so the due process hearing could be scheduled in a timely manner. Ennis could not schedule the hearing without Roden’s response. Roden called Pickett’s instructions confusing in a statement he wrote explaining why he failed to follow Pickett’s instructions. Roden never asked Pickett for clarification after given the directive. Pickett testified he has never had an employee fail to follow an order twice in one day. Pickett was asked why Roden should not be reinstated. Pickett believes Roden’s actions have brought discredit upon ALEA, Roden failed to show respect and integrity and should
not be allowed to wear the uniform again. Pickett also explained that since Floyd
does not want Roden working in Marshall County it created a hardship on ALEA.
Pickett recommended Roden’s employment termination after the recommended
suspension and after Roden’s insubordination.

On cross-examination, Pickett testified Mcbrayer and Pickett discussed
transfer and a more lengthy suspension as a possible discipline. Pickett testified he
was adamant he believed Roden should be dismissed from State service. Pickett
passed his verbal recommendation on to Mcbrayer but was unsure what Mcbrayer
ultimately decided to recommend.

Roden testified on his behalf. Roden testified he wrote tickets to motorists
who passed him while he was driving the lawful speed limit, even if it was two or
three miles an hour over the speed limit. Roden also testified he changed the
warnings to tickets based upon the demeanor of the motorists. Roden testified there
was no policy to prevent him from changing the tickets from a warning to a ticket.

Roden testified he missed court dates because he was not aware he had court
on those dates. Roden had other assignments and details he was ordered to work
and instructed not to worry about administrative duties. Roden also testified he was
out on annual or sick leave for other court dates and his chain of command was aware
he was out. Roden testified he did not willfully miss court dates.
Roden testified Cooper was belligerent and may have called him some names, though he did not recall that clearly. Roden testified he did not throw her license at her, he maintained Cooper began to drive off and he wanted to make sure he returned her driver’s license so he tossed it onto her dashboard. Roden admitted on cross-examination that he could have mailed her license back to her.

Regarding the March 23, 2021, traffic stop where Roden helped Trooper Charles arrest a motorist, Roden testified the motorist was “sizing him up.” Roden testified the motorist was passively resisting arrest. Roden felt threatened and therefore used coarse language to try and prevent a physical altercation with the motorist.

Roden also discussed his exchange with Pickett. Roden testified he did not respond to the directive by lunchtime because he was not sure who his attorney would be. Roden told Pickett his attorney had COVID and would be unable to represent him. Roden knew his case would be reassigned but did not know specifically the name of the attorney who would represent him. Roden did not have the information to respond, and therefore, did not respond.

III. ISSUE

Did ALEA produce sufficient evidence to warrant dismissal of Roden?

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11 Pickett testified Roden told him his attorney had COVID, but Roden did not tell Pickett that he was waiting for the case to be reassigned.
IV. DISCUSSION

Standard of Review


“[D]ismissal by an appointing authority ... is reviewable by the personnel board only to determine if the reasons stated for the dismissal are sustained by the evidence presented at the hearing.”

Id. at 559, quoting *Johnston v. State Personnel Bd.*, 447 So. 2d 752, 755 ( Ala. Civ. App. 1983).\(^{12}\)

In determining whether an employee's dismissal is warranted, the departmental agency bears the burden of proving the charges warrant termination by a “preponderance of the evidence.” The law is well settled that a “preponderance of the evidence” standard requires a showing of a *probability* that the employee is guilty

\(^{12}\) The Alabama Court of Civil Appeals went further to hold: “both this court and the circuit court must take the administrative agency’s order as ‘prima facie just and reasonable’ and neither this court nor the circuit court may ‘substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.’” *Id.* at 559, citing ALA. CODE § 41-22-20(k) (1975); *State Dept. of Human Res. v. Gilbert*, 681 So. 2d 560, 562 ( Ala. Civ. App. 1995).
of the acts as charged. Thus, there must be more than a mere possibility or one possibility among others that the facts support the disciplinary action at issue. The evidence must establish that more probably than not, the employee performed, or failed to properly perform, as charged. See Metropolitan Stevedore Co. v. Rambo, 521 U.S. 121, 117 S. Ct. 1953, 138 L.Ed. 2d 327 (1997), holding that a “significant possibility” falls far short of the Administrative Procedure Act’s preponderance of the evidence standard. See also Wright v. State of Tex., 533 F.2d 185 (5th Cir. 1976).\(^{13}\)

An administrative agency must act within its constitutional or statutory powers, supporting its decision with substantial evidence. “Substantial evidence has been defined as such ‘relevant evidence as a reasonable mind might accept as adequate to support a conclusion,’ and it must be ‘more than a scintilla and must do more than create a suspicion of the existence of a fact to be established.’” Alabama Alcoholic Beverage Control Bd. v. Tyson, 500 So. 2d 1124, 1125 (Ala. Civ. App. 1986).

In the present case, ALEA provided substantial evidence that Roden more probably than not, violated multiple ALEA Policies and Work Rules. Specifically: (1) Roden violated ALEA Personnel Policies & Procedures, Chapter 10, Section II

\(^{13}\) In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981), the Eleventh Circuit adopted as binding precedent all Fifth Circuit decisions handed down prior to the close of business on September 30, 1981.
(1)(a)(4) Failure to perform job properly, by failing to appear in Court when required to do so. In this case, Roden’s failure to appear was such a problem the Marshall County District Judge wrote a letter to ALEA personnel complaining of his failure to appear on multiple occasions. Furthermore, Roden violated ALEA Personnel Policies & Procedures, Chapter 10, Section II (1)(b)(10) Serious violation of any other agency rule, by failing to appear in Court, a violation of DPS Policy Order 4-15; violated the Law Enforcement Code of Ethics, DPS Policy Order 1-0, by acting officiously with motorists on numerous occasions; and violated ALEA Personnel Policies & Procedures, Chapter 10, Section II (1)(b)(13), Conduct Unbecoming a State Employee. ALEA defines Conduct Unbecoming as: any conduct that adversely affects the morale, operations, or a tendency to adversely affect, lower, or destroy public respect and/or confidence to the Agency or brings discredit upon the officer, employee, or the Agency as a whole. Conduct unbecoming also includes any conduct which brings the Agency or members of the Agency into disrepute. Roden’s conduct adversely affected the operations of ALEA because Roden was prohibited from working in Marshall County by Floyd. Roden also caused a loss of public respect and confidence in the Agency because of the manner in which he treated motorists, and then failed to appear in Court to address the issues when they were raised to Floyd. Finally, and most severely, Roden violated ALEA Personnel Policies & Procedures, Chapter 10, Section II (1)(b)(2) Insubordination. Insubordination is
defined as: “Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words.” Roden failed to comply with Pickett’s explicit orders on August 27, 2021. Roden did not provide the name of his attorney or explain why he was having difficulty obtaining the information to provide.

Roden was previously reprimanded and/or counseled for failure to perform job properly, and court attendance. Roden, through his own actions, lost the trust of his command, lost the confidence of a local court, and lost public trust.

The undersigned carefully considered mitigation in this case. The undersigned finds no grounds for mitigation exist justifying a lesser disciplinary action than dismissal. Accordingly, the undersigned finds the totality of the evidence warrants dismissal in this cause. Therefore, the undersigned recommends to the State Personnel Board that the dismissal be UPHELD.\textsuperscript{14}

Done, this 28\textsuperscript{th} day of January 2022.

\begin{flushright}
RANDY C. SALLÉ
Administrative Law Judge
State Personnel Department
64 North Union Street
Montgomery, Alabama 36130
Telephone: (334) 242-8353
Facsimile: (334) 353-9901
\end{flushright}

\textsuperscript{14} Having found sufficient evidence to uphold the dismissal, any/all remaining issues are moot.
VIA E-MAIL AND FIRST-CLASS U.S. MAIL

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