BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA

IN THE MATTER OF THE APPEAL OF

TIEARA MAHONE

ORDER

April 20, 2022

This matter came before the Board based upon the dismissal of the Employee from her employment with the Alabama Department of Corrections ("DOC"). The Employee was dismissed from her employment on December 7, 2021, based upon charges contained in a letter dated December 3, 2021. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on February 22, 2022. The Administrative Law Judge's Recommended Order is now before the Board for consideration.

DOC charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(1)(b)(7) – (Possession and/or use of alcohol, narcotics, or other illegal substance on/in state property); and 670-X-19-.01(1)(b)(13) – (Conduct unbecoming a state employee). Additionally, the Employee violated several standards under Alabama Department of Corrections Administrative Regulation 208.

A review of the Employee's recent work history shows no prior discipline.

The Employee was employed by DOC as a Correctional Security Guard assigned to Elmore Correctional Facility. On October 2, 2021, the Employee
submitted a urine specimen to be tested for illegal drugs. On October 5, 2021, the Employee's specimen was tested at Staton's Drug Lab and the results were positive for marijuana. The Employee's specimen was then tested by an independent laboratory and the results were confirmed for the use of marijuana. The Employee testified that she does not smoke marijuana and that this was a mistake, and that her positive tests were the result of cross-contamination. The Drug Testing Officer, who handles the ADOC testing, confirmed through her testimony the test results at the ADOC drug lab and the independent laboratory.

The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal should 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.