

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
MARION LOVING-DAVIS**

ORDER

May 15, 2019

This matter came before the Board upon a motion for reconsideration filed by Marion Loving-Davis. Based upon Petitioner's request, the Board has reviewed the Administrative Law Judge's recommendation and the Motion for Reconsideration, which the Board will consider as an Application for Rehearing.

Under the *Code of Alabama* § 41-22-17 (1975), an application for rehearing may be granted if the final order is:

1. In violation of constitutional or statutory provisions;
2. In excess of the statutory authority of the agency;
3. In violation of an agency rule;
4. Made upon unlawful procedure;
5. Affected by other error of law;
6. Clearly erroneous in view of the reliable, probative, and substantial evidence on the whole record; or
7. Unreasonable, arbitrary or capricious or characterized by an abuse of discretion or a clearly unwarranted exercise of discretion.

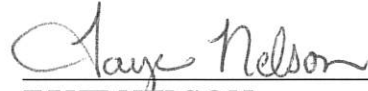
Additionally, the State Personnel Board Rules provide that a rehearing may be considered if the request is based upon newly discovered evidence. See Rule 670-X-5-.09(2) of the Rules of the State Personnel Board.

The prior ruling of the Board in this matter was to uphold the dismissal of the Employee. After careful review, the Board finds that none of the criteria

for rehearing has been met. Therefore, it is the ORDER of this Board that the Motion for Reconsideration is hereby DENIED.



JACKIE GRAHAM
SECRETARY



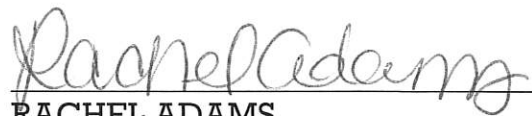
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