BEFORE THE ALABAMA
STATE PERSONNEL BOARD
IN THE MATTER OF

JIMMY LOWERY, JR.,

                     Appellant,

v.                                                                 CASE NO. 20-11-RCS

ALABAMA DEPARTMENT OF
CORRECTIONS,

                     Appellee.

RECOMMENDATION TO THE
STATE PERSONNEL BOARD

On February 10, 2020, Appellant filed an employee dismissal appeal. On
February 19, 2020, a prehearing conference was held. During the prehearing
conference and by agreement of the parties', a hearing was scheduled for March 31,
2020. Due to COVID-19 restrictions placed on the State of Alabama, the hearing
was continued until June 18, 2020.

On June 15, 2020, the undersigned received from Appellant a Motion to
Dismiss his employee dismissal appeal.¹ This motion was based upon newly
discovered evidence shared by counsel for the Department of Corrections with
Appellant’s attorney.

¹ See Attachment A.
Wherefore premises considered, it is the recommendation of the undersigned that the appeal should be DISMISSED WITH PREJUDICE.

Done, this 16th day of June 2020.

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MOTION TO DISMISS APPEAL

COMES NOW the Appellant Jimmy Lowery and hereby dismisses his now pending appeal before the State Personnel Board on the grounds that newly discovered evidence was provided by the State of Alabama at the last minute that put Appellant Lowery's case in a very different light.

Respectfully submitted this the 15th day of June 2020.

Respectfully,

Jimmy Lowery,
Appellant

By:

Julian L. McPhillips, Jr.
Counsel for Appellant

OF COUNSEL:
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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing upon the following by electronic mail on this 15th day of June 2020.

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