BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA

IN THE MATTER OF THE APPEAL OF
CHARLES JOHNSON

ORDER

August 17, 2022

This matter came before the Board based upon the dismissal of the Employee from his employment with the Alabama Bureau of Pardons and Paroles ("ABPP"). The Employee was dismissed from his employment on April 19, 2022, based upon charges contained in a letter dated the same. This matter was assigned to Administrative Law Judge James Jerry Wood and a hearing was held on June 7, 2022. The Administrative Law Judge’s Recommended Order is now before the Board for consideration. The Board has also had the benefit of oral argument.

ABPP charges that the Employee violated State Personnel Board (SPB) Rules: 670-X-19-.01(a)(4) – (Failure to perform job properly); and 670-X-19-.01(1)(b)(6) – (Falsification of records). Additionally, the Employee violated ABPP General Work Rules.

A review of the Employee’s recent work history shows two (2) Warnings in January 2006 and March 2015 for failure to comply with general work rules and failure to accurately document hours worked; and two (2) Reprimands in July 2015 and October 2017 for insubordination, unauthorized and/or
unlicensed operation of vehicle, machinery, or equipment, and conduct
unbecoming a state employee.

The Employee was employed by ABPP as a Probation and Parole Officer. On February 22, 2022, a ABPP Officer discovered that one of his probationers had received a stolen vehicle from another probationer, who was later discovered to be deceased. The deceased probationer was showing active in the ABPP system and that he was currently reporting to the Employee for the past year. This discrepancy was brought to the attention of the Senior Probation Officer, who confirmed the probationer’s death and that he had been reporting to the Employee months after his death.

On February 24, 2022, the ABPP District Manager sent another ABPP Officer to verify whether the Employee had been making home visits to the deceased probationer. The ABPP Officer spoke with the mother of the deceased, she confirmed the death of her son and that no one had been to her home since his death. The Employee was confronted with the information that had been discovered. He claimed he was confused and that he had another client with the same last name.

On February 25, 2022, the ABPP District Manager sent another ABPP Officer to conduct a home visit on the probationer the Employee claimed to be supervising that had the same last name as the deceased. The ABPP Officer spoke with a woman who lived at the address on file. She told the ABPP Officer...
that she had lived at the address since November 2021, and that she did not know of anyone with the name of the probationer, and confirmed that he did not live there. The ABPP Officer also confirmed that no one had been to the residence asking any questions about the probationer. According to the ABPP system, the Employee entered that he had made a home visit in January 2022, even though the woman who lived at the address had lived there since November 2021 and confirmed that no one with the name of the probationer had resided there.

Lastly, the Employee claimed to have conducted two home visits in November 2021 with another probationer. The probationer and her husband claim that the Employee never conducted a single home visit at their residence.

The above facts make it clear that the Employee did not properly do his job and his entries into the ABPP system are inaccurate, falsified, and warrant his termination. The Administrative Law Judge found the totality of the evidence does warrant dismissal in this cause and recommended that the Employee's dismissal 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 the oral argument presented in this matter 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.

JACKIE GRAHAM
SECRETARY

FAYE NELSON
CHAIR

MYRON PENN
MEMBER

EVAN M. THORNTON
MEMBER

DAVID R. MELLON
MEMBER

RACHEL BUNNING
MEMBER