

**BEFORE THE ALABAMA
STATE PERSONNEL BOARD
IN THE MATTER OF**

FRANK PARLER,)	
)	
Appellant,)	
)	
v.)	CASE NO.: 21-09-JJW
)	
ALABAMA DEPARTMENT OF CORRECTIONS,)	
)	
Appellee.)	

**MOTION FOR RECONSIDERATION OR/IN THE ALTERNATIVE FOR A
MODIFICATION OF THE DECISION OF THE PERSONNEL BOARD**

COMES NOW the Appellant Frank Parler, and moves this Honorable Panel of the State Personnel Board to reconsider and reverse its decision and order a suspension or demotion and transfer to another correctional institution. As grounds therefore, the undersigned shows:

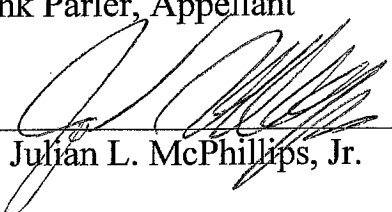
1. Counsel for the Defendant Barry Harmon wrongfully stated matters at the Personnel Board Oral Argument today that were both untrue and not into evidence at the Personnel Board Hearing of June 17, 2021 presided over by Officer James Jerry Woods, when Mr. Harmon stated:

“There were about 4 other sets of women who also had complaints about Mr. Parler.”

2. The undersigned counsel immediately objected to this untrue statement.
3. The Board shall recall that even Alice Ann Byrnes, counsel for the Personnel Board, said that the Board could not properly consider evidence not presented at the trial hearing before Judge Wood.
4. Unfortunately, **“the milk had been spilled”** and **“could not be un-spilt”**, and **this surely has irrevocably prejudiced Mr. Parler’s appeal**. There was no way it could not have prejudiced said members, who must have considered it true, or it wouldn’t have been volunteered by DOC attorney Bart Harmon.
5. At the very worst for Mr. Parler, upholding his termination may have been a close question. Therefore, the **“spilt milk”** was significantly damaging, could well have influenced the panel’s outcome, as is **grounds for reconsideration or modification of the Board’s decision**.

Respectfully submitted and done this 19th day of August 2021.

Frank Parler, Appellant


By: Julian L. McPhillips, Jr.

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CERTIFICATE OF SERVICE

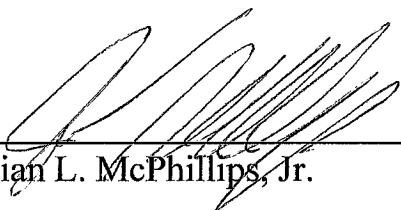
I hereby certify that on this the 19th day of August 2021, I forwarded a true and exact copy of the aforesaid by electronic mail and/or through the United States Postal Mail, properly addressed and postage prepaid, upon the following:

James Jerry Wood
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