BEFORE THE ALABAMA STATE PERSONNEL BOARD IN THE MATTER OF

JODDIE KING,	)	
	)	
APPELLANT,	)	
	)	
v.	)	**CASE NO. 24-12-JJW**
	)	
ALABAMA BUREAU OF PARDONS AND PAROLES,	)	
	)	
APPELLEE.	)	

RECOMMENDED ORDER TO THE STATE PERSONNEL BOARD

The employment termination of Joddie King (hereinafter "Ms. King") by the Alabama Bureau of Pardons and Paroles (hereinafter "ABPP") gives rise to this Recommended Order. ABPP charges that Ms. King violated Alabama State Personnel Board ("SPB") Rules 670-X-19-.01(1)(b)(10) - Serious Violation of any other Departmental Rule and 670-X-19.01(1)(b)(1) - Violations of Safety Rules.

Ms. King was employed by ABPP beginning September 8, 2009. Ms. King was dismissed by the appointing authority effective May 6, 2024.

Based on observation of the witnesses, the witnesses' testimony and demeanors and the documentary evidence, the undersigned recommends the termination of Ms. King's employment with ABPP be upheld.

On July 8, 2025, the undersigned conducted a *de novo* hearing ("the hearing") at the offices of the Alabama State Personnel Department in Montgomery, Alabama, during which *ore tenus* and documentary evidence was received.

John Groos, Esq. and Gary Williford, Esq. represented ABPP. Ms. King was represented by Eric Summerford, Sr., Esq. and David Sawyer, Esq.

At the beginning of the hearing, ABPP Exhibits 1-22 were admitted, without objection. Ms. King offered King Exhibits 1–13, which were admitted, without objection. The undersigned informed the parties, without objection, that Ms. King's personnel file at the Alabama State Personnel Department would be considered by him and included in the record as evidence in this matter.

ABPP called as witnesses:

(1) Emily Johnson, ABPP Senior Officer, Special Investigations

(2) Patricia Uselton, ABPP Senior Officer, Decatur Field Operations; and

(3) Tasika Fielder, ABPP Personnel Director.

Ms. King called:

(1) Joddie King,

(2) Thomas DiGiulian, ABPP Probation Officer.

(3) Leslie Holland, ABPP Specialist Senior, Moulton Office.

(4) Stella Sims, daughter of Joddie King.

(5) Elih Wilson, son of Joddie King; and

(6) Ryan Hawkins, ABPP Parole Officer, Decatur Field Office.

I. PROCEDURAL HISTORY AND CHARGES

Ms. King began work at ABPP on September 8, 2009, as a Probation and Parole Officer. Ms. King had previously worked in law enforcement with a local Sheriff's office. On May 6, 2024, Ms. King was terminated from her employment with ABPP.

Ms. King timely appealed her dismissal to the Alabama SPB, pursuant to ALA. CODE § 36-26-27(a) (1975). The prehearing conference was held on May 23, 2024; the appeal hearing was scheduled for July 11, 2024. A Joint Motion to Continue was granted on July 9, 2024. The undersigned reset the hearing for September 19, 2024.

Ms. King moved to continue the hearing based on her attorney having had a three-level lumbar fusion that made the hearing date unworkable. The undersigned granted the motion to continue on September 13, 2024. On October 4, 2024, the undersigned reset the hearing for December 5, 2024. On December 4, 2024, the undersigned granted an uncontested motion to continue. On April 15, 2025, the undersigned reset the hearing for July 8, 2025.

In its Statement of Facts, ABPP alleged, in pertinent part:

> "The Bureau of Pardons and Paroles sets out the facts ...
>
> Charge 1- Serious Violations of any other Agency Rule: The employee was charged with Serious Violations of any other Agency Rule, in violation of Rule 670-X-19-01(1)(b)10 of the Rules of the

Alabama State Personnel Board and Alabama Bureau of Pardons and Paroles (ABPP) Personnel Policies and Procedures Manual Chapter 10 Section II (1)(b)10. The specific rules violated were Accountability for Property & Facilities (ABPP Personnel Manual Chapter 10, Sec. X) and Employee Witness/Statements (ABPP Personnel Manual Chapter 10, Sec. XII).

At all times relevant, the agency employed the employee as a probation and parole officer. Employees in this classification are law enforcement officers and must obtain and maintain certification with the Alabama Peace Officer Standards and Training Commission (APOSTC). Her primary duties involved the supervision of persons placed on probation or parole by the courts or the Alabama Board of Pardons and Paroles. The position also requires employees to carry, maintain and account for weapons including firearms and chemical sprays issued by the agency.

The agency placed the employee on mandatory leave effective February 28, 2024, due to the receipt of information that the State Bureau of Investigations (SBI) executed a search warrant at her home related to a child abuse investigation.[i] As a result, supervisors directed the employee to turn in agency property including her agency issued pistol, pistol magazines, and electronic devices. The employee initially returned some, but not all, equipment to her District Manager. Missing items included three (3) of the six (6) issued SIG Sauer pistol magazines, three (3) rounds of 9mm duty ammunition, and a dataphone. On February 29, 2024, an agency investigator met with the employee in a parking lot to give her a Mandatory Leave notice and collect the remaining ABPP property in her possession. The employee did not return the magazines, ammunition, or the dataphone. As of this writing, she still has not done so even though she represented in the agency disciplinary conference that she found the dataphone and would return it.

Additionally, during the course of an investigation into the employee's conduct, the employee committed serious violations of the agency's Employee Witness/Statements policy multiple times. The policy requires employees to participate in internal investigations and, when interviewed, answer questions truthfully without evasion. Beginning with the February 29, 2024, meeting with the agency investigator, the employee repeatedly failed to cooperate in the scheduling of her internal administrative investigation interview and made false statements to the agency's investigator as to why she was unavailable. At one point, less that one hour before her interview was to take place, the employee told the investigator she would not be able to attend and failed to appear. When the employee finally sat for an interview on March 22, 2024 (a date she previously provided the investigator as fully available) she made more false statements and refused to answer a question.

Worse, the employee left during the interview, despite the fact that the investigator had more questions to ask related to the underlying criminal investigation and had scheduled the interview on a date listed by the employee as fully open. The employee's stated reason for leaving the interview was a need to assist her child's preparation for a dance recital. The employee proffered this justification despite the Department of Human Resources' prior action of removing all of her children from her home and placing them on safety plans. The employee's conduct during the scheduling of her interview and unauthorized premature departure from the interview prevented the agency investigator from fully conducting that part of her administrative investigation involving the child abuse allegations.

Charge 2-Violation of a Safety Rule: The employee was charged with Violation of a Safety Rule, in violation of Rule 670-X-19.01(1)(b)(1) of the Rules of the Alabama Bureau of Pardons and Paroles and Paroles Personnel Policies and Procedures Manual Chapter 10 Section II (1)(b)(1). The specific rule violated was Weapon Carry

and Storage Security of Weapons (Probation and Parole Officers Manual, Sec. 2.7 Para. IV.A).

The agency issued chemical spray (pepper spray) to the employee. Chemical sprays have an expiration date and are replaced by the agency at or near the expiration date. The old sprays are not collected, and employees are expected to properly dispose of them. During the investigative interview, the employee could not say how many chemical spray cannisters she has kept, did not indicate that she had returned any agency-issued chemical spray, and was not sure about where stored chemical spray cannisters issued by this agency. Her failure to maintain accountability of issued chemical spray is a violation of the above-referenced policy requiring officers to maintain the security and control of state-issued weapons for safety purposes."

II. FACTUAL BACKGROUND

Having reviewed the documentary evidence, having heard the testimony presented at the hearing and having observed the witnesses' demeanor and assessed their credibility, the undersigned finds the greater weight of the evidence supports the following findings of fact.[1]

A. Employee's Personnel File[2]

Ms. King's performance appraisals while in State service at ABPP reflect:

Date Ending	Total	Score Category
1/2024	28.3	Exceeds Standards
1/2023	28.3	Exceeds Standards
1/2022	21.7	Meets Standards

[1] All references to exhibits and testimony are intended to assist the SPB in considering this Recommended Order and are not necessarily the exclusive sources for such factual findings.

[2] See *generally* SPB Rule 670-X-18-.02(5) (employee's work record, including performance and disciplinary history, considered in dismissing employee).

1/2021	21.3	Meets Standards
1/2020	26.3	Meets Standards
1/2019	25.0	Meets Standards
1/2018	27.8	Exceeds Standards
1/2017	28.8	Exceeds Standards
1/2016	25.6	Meets Standards
1/2015	24.4	Meets Standards
1/2014	16.7	Meets Standards
1/2013	25.0	Meets Standards
1/2012	23.8	Meets Standards
1/2011	21.4	Meets Standards
1/2010	21.4	Meets Standards

Director Ward, in his April 4, 2024, Disciplinary Charge Letter said, "Your disciplinary record indicates you received a warning on November 19, 2013, for failure to conduct home visits. You received a warning on December 15, 2014, for failure to conduct home visits. You received a warning on September 22, 2015, for failure to attend training. You received a warning on August 26, 2019, for violation of a specific department rule (failing to abide). You received a warning on February 12, 2020, for conduct unbecoming a state employee. You received a reprimand on July 22, 2020, for failure to perform job properly."

B. SPB General Work Rules and ABPP Disciplinary Actions Policy General Work Rules Forming the Basis of the Charges

SPB Rule 670-X-18-.02 provides, in pertinent part:

> (1) An appointing authority may dismiss a classified employee whenever he considers the good of the service will be served thereby, for reasons which shall be stated in writing, served on the affected employee and a copy furnished to the Director, which action shall become a public record.
>
> ...
>
> (5) In all cases, before dismissing a permanent employee, the appointing authority shall consider the previous disciplinary and performance history of the employee and any progressive discipline received.

SPB Rule 670-X-19-.01 provides, in part:

(1) In addition to any special rules issued by the various appointing authorities for the guidance of their employees, the following standard general work rules shall apply to all classified employees:

...

(b) More serious violations that may result in suspension or discharge on the first offense.

(1) Violation of Safety Rules

...

(10) Serious violation of any other departmental rule

(2) The listing of violations above is not meant to be all inclusive and does not imply that discipline may not be imposed for other sufficient reasons nor does it mean that termination cannot occur for the first violation.

ABPP Disciplinary Actions Policy, General Work Rules, reads in pertinent part:

(1) In addition to any special rules implemented by the [Board of Pardons and Paroles] for the guidance of their employees, the following standard general work rules shall apply to all Agency employees. The lists are not all-inclusive and there is no implication that discipline may not be imposed for other sufficient reasons. These rules are consistent with those of the Alabama State Personnel Department Administrative Code 670-x-19-.01.

...

C. Facts Forming the Basis of Dismissal

On February 27, 2024, an agent of the State Bureau of Investigation (SBI) notified Joddie King's supervisor, Senior Officer Patricia Uselton that SBI was

executing a search warrant on King's home. That search warrant and the eight-count felony child abuse indictment that followed the execution of the search warrant played no part in King's termination. They are mentioned to explain the genesis of the agency investigation of Ms. King that led to the disciplinary charges that are the subject of this appeal.

ABPP placed Ms. King on mandatory leave effective February 28, 2024. Ms. King's supervisors directed her to turn in ABPP property including her ABPP issued pistol, pistol magazines and electronic devices. Ms. King returned some but not all equipment to her District Manager, Sid Slate. She returned three of the six issued Sig Sauer magazines.[3] She did not return three 9mm rounds or a dataphone issued to her.

ABPP employees are required to participate in administrative investigations and to respond truthfully.[4] The policy requires employees to participate in internal investigations and to cooperate truthfully when answering questions. Beginning on February 29, 2024, Ms. King repeatedly failed to timely cooperate with Emily Johnson's ("Investigator Johnson") efforts to conduct an internal administrative investigation interview. At one point, less than an hour before an interview was scheduled, Ms. King told Investigator Johnson that she would not be able to attend

[3] Later another Sig Sauer magazine was found wedged under a seat in the truck previously assigned to Ms. King.

[4] ABPP Exhibit 5.

and failed to appear. On March 22, 2024, Ms. King had indicated she was available all day and subsequently remembered that three of her daughters had dance recital obligations that day that required her presence. Ms. King was ordered to appear[5] by ABPP management, Stacey Brown through District Manager Sid Slate for the March 22, 2024, interview but she insisted on leaving before Investigator Johnson had finished her examination and left even though she was told by Investigator Johnson and Investigator Robertson that leaving the interview before they were finished would constitute a failure to cooperate as required by ABPP policy. Ms. King left anyway even though she previously agreed she was available that day.

On March 22, 2024, before Ms. King left the interview, Ms. King told Investigator Johnson she didn't know how many cannisters of chemical spray issued to her and was unaware of where she stored the chemical sprays issued to her by ABPP. The ABPP policy requires officers to maintain security and control of state-issued weapons for safety reasons.

Investigator Johnson characterized several statements by Ms. King as less than truthful including when Ms. King was in Mobile renewing her driver's license on a day when Investigator Johnson understood her to be with her father in Nashville.

Ms. King refused to answer a question related to a probationer supervised by Ms. King whose child she had fostered. Investigator Johnson asked Ms. King about

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[5] ABPP Exhibit 10.

contacting the probationer after the SBI child abuse matter arose. Ms. King showed Investigator Johnson messages between them on her phone. When Investigator Johnson asked why she wanted to talk to the probationer and what she hoped to accomplish by speaking to the probationer, Ms. King responded, "That's my business. I don't even know what this has to do with that. Me having contact with the probationer isn't y'all's business," and refused to answer further. Ms. King's refusal to answer is a serious violation of agency policy[6] requiring her to cooperate in administrative investigations and answer questions in an interview. Any contact between an ABPP employee and a probationer or parolee, particularly one who is on or has been on that employee's caseload, is very much ABPP's business.

III. ISSUE

Did ABPP produce, by a preponderance of the evidence, a proper basis for the appointing authority's dismissal of Ms. King's ABPP employment, based upon her violations of SPB and ABPP General Work Rules?

IV. DISCUSSION

The purpose of the administrative appeal is to determine if the termination of the employee's employment is warranted and supported by the evidence. *Kucera v. Ballard*, 485 So. 2d 345 (Ala. Civ. App. 1986); *Thompson v. Alabama Dept. of Mental Health*, 477 So. 2d 427 (Ala. Civ. App. 1985); *Roberson v. Personnel Bd. of*

[6] ABPP Exhibit 5.

the State of Alabama, 390 So. 2d 658 (Ala. Civ. App. 1980). In *Earl v. State Personnel Board*, 948 So. 2d 549 (Ala. Civ. App. 2006), the Alabama Court of Civil Appeals reiterated:

> "[D]dismissal by an appointing authority ... is reviewable by the personnel board only to determine if the reasons stated for the dismissal are sustained by the evidence presented at the hearing."

Id. at 559, quoting *Johnston v. State Personnel Bd.*, 447 So. 2d 752, 755 (Ala. Civ. App. 1983).[7]

In determining whether an employee's dismissal is warranted, the departmental agency bears the burden of proving the charges warrant termination by a "preponderance of the evidence." The law is well settled that a "preponderance of the evidence" standard requires a showing of a *probability* that the employee is guilty of the acts as charged. There must be more than a mere possibility or one possibility among others that the facts support the disciplinary action at issue. The evidence must establish that *more probably than not*, the employee performed, or failed to properly perform, as charged. *See Metropolitan Stevedore Co. v. Rambo*, 521 U.S. 121, 117 S.Ct. 1953, 138 L.Ed. 2d 327 (1997), holding that a "significant possibility" falls far short of the Administrative Procedure Act's preponderance of

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[7] The Alabama Court of Civil Appeals went further to hold: "both this court and the circuit court must take the administrative agency's order as 'prima facie just and reasonable' and neither this court nor the circuit court may 'substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.'" *Id.* at 559, citing ALA. CODE § 41-22-20(k) (1975); *State Dept. of Human Res. v. Gilbert*, 681 So. 2d 560, 562 (Ala. Civ. App. 1995).

the evidence standard. *See also Wright v. State of Tex.*, 533 F. 2d 185 (5th Cir. 1976).[8]

An administrative agency must act within its constitutional or statutory powers, supporting its decision with substantial evidence. "Substantial evidence has been defined as such 'relevant evidence as a reasonable mind might accept as adequate to support a conclusion,' and it must be 'more than a scintilla and must do more than create a suspicion of the existence of a fact to be established.'" *Alabama Alcoholic Beverage Control Bd. v. Tyson,* 500 So. 2d 1124, 1125 (Ala. Civ. App. 1986).

The undersigned has carefully observed and considered the witnesses' demeanors, testimony, and all the documentary evidence in this case and finds that the preponderance of the evidence establishes that ABPP followed extant rules and procedures and had a proper basis and the authority to discharge Ms. King from her employment for chronic failure to do her job properly and her repeated failures to follow SPB policies, rules, and procedures.[9] ABPP proved by a preponderance of the evidence that Ms. King violated SPB General Work Rules and corresponding ABPP Disciplinary Actions Policy General Work Rules by failing to cooperate in

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[8] In *Bonner v. City of Prichard,* 661 F. 2d 1206, 1209 (11th Cir.1981), the Eleventh Circuit adopted as binding precedent all Fifth Circuit decisions handed down prior to the close of business on September 30, 1981.

9 Ms. King's own witness, Senior ABPP Officer Patricia Uselton, said Ms. King was not trustworthy and that "sometimes the job doesn't get done." Ms. Uselton also reported that one Circuit Judge in Morgan County had asked her not to send Ms. King to his court

the ABPP Administrative Investigation by failing to facilitate being interviewed by Investigator Johnson. For such interviews, Investigator Johnson had to make prior arrangements with the Huntsville Police Department to use an interview room in their Internal Affairs section which required coordination and permission. Investigator Johnson ultimately had to have Ms. King ordered by Stacey Brown and Sid Slate to attend the scheduled March 22, 2024, interview, which Ms. King left before the ABPP Investigator had finished. Investigator Johnson warned Ms. King that if she left before she was done it would be a failure to cooperate as required by ABPP policy.

ABPP Director Cam Ward wrote in Ms. King's dismissal letter, "This is to inform you that effective May 6, 2024, your employment with the Alabama Bureau of Pardons and Paroles will be terminated. ... "The Hearing Officer who heard the facts in this personnel matter recommends termination and I concur with the Hearing Officer's recommendation."

Rule 670-X-18-.02 unambiguously states, "An appointing authority may dismiss a classified employee whenever he considers the good of the service will be served thereby..." Director Ward personally signed the Disciplinary Charge Letter outlining the six infractions. The Bureau of Pardons and Paroles is a law enforcement agency that should be staffed by truthful and competent persons of high personal,

ethical, and moral standards, who should be trustworthy and be dedicated to performance of their sworn duties.

Therefore, the undersigned recommends to the State Personnel Board that the dismissal be UPHELD.

Done, this the 12th day of September 2025.

JAMES JERRY WOOD
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[i] The eight-count felony child abuse indictment that followed the execution of the search warrant played no part in the employee's termination. In fact, it is the agency's understanding that the employee turned herself in on the indictments following the disciplinary conference and on the same day she received the Director's termination notice. The underlying criminal investigation and charges are referenced here for two reasons: 1) to explain the genesis of the agency investigation that led to the disciplinary charges that are the subject of this appeal; and 2) to place the employee on notice that in the event she prevails in this appeal, the agency reserves the right to bring a new and separate disciplinary action against her on the basis of the indictment.