BEFORE THE STATE OF ALABAMA PERSONNEL BOARD IN THE MATTER OF

HADEN TUMLIN,	)	
	)	
Appellant,	)	
	)	
v.	)	**Case No.: 25-19-JJW**
	)	
ALABAMA LAW ENFORCEMENT AGENCY,	)	
	)	
	)	
Appellee.	)	

RECOMMENDED ORDER TO THE STATE PERSONNEL BOARD

The employment termination of Haden Tumlin (hereinafter "Tumlin") by the Alabama Law Enforcement Agency (hereinafter "ALEA") is the subject of this Recommended Order. Tumlin was first employed as a State Trooper Trainee beginning June 9, 2019. His employment performance appraisals have, during the last five years been "exceeding standards." Tumlin became a State Trooper Senior on January 1, 2022. Prior to April 2025, Tumlin received no disciplinary actions in connection with his employment at ALEA as a State Trooper in the Department of Public Safety.

On May 27, 2025, Colonel Jonathan Archer, Director, ALEA Department of Public Safety (DPS), advised Tumlin he was recommending termination of Tumlin's employment with DPS and advised him of the charges against him and the

circumstances:

"On April 3, 2025, you submitted a signed and certified ALEA 655 – Statement of Official Travel Form for in-state per diem you claimed for the month of March 2025. You claimed a total of eight (8) days for travel outside of your assigned county (Jackson County) to Madison County. A review of your completed Travel Form exposed discrepancies, and an internal investigation was conducted. According to the State of Alabama's Fiscal Policy and Procedures Manual, to which the Agency and its employees must adhere, an employee must spend six (6) consecutive hours outside of their assigned county to be eligible for the in-state travel per diem. The investigation revealed that three (3) of the days for which you claimed Per diem did not meet the 6-hour per diem requirement: March 6, 13 and 30, 2025."

ALEA in its STATEMENT OF FACTS stated, in addition to the above, the following pertinent details:

"When Huntsville Post Sergeant Eric Smith emailed Haden Tumlin to inform him about the issues with his per diem form and request a statement from Tumlin, Tumlin replied via email, stating, "[t]he main reason I even submitted [the per diem request] for March was because I thought it might assist in getting more attention from headquarters to highlight our shortage of personnel up this way" and admitting to falsely claiming per diem adding "[s]everal of the other days listed on there will fall in the same category as technically not a full 6 hours outside of my county.

Additionally, a review of Haden Tumlin's activity on the three days in question showed that Tumlin failed to call in multiple traffic stops in clear violation of a direct order from Tumlin's chain of command and ALEA's policy on traffic stops.

Tumlin's actions, as described above, constitute violations of ALEA Personnel Policies and Procedures; specifically:

- ALEA Personnel Policies and Procedures, Chapter 10- General Work

Rules, Section II(1)(b)(2). Insubordination.

- ALEA Personnel Policies and Procedures, Chapter 10- General Work Rules, Section II(1)(b)(6) Falsification of records.
- ALEA Policies and Procedures, Chapter 10- General Work Rules, Section II(1)(a)(8). Violations of specific department rules.
- DPS Policies and Procedures, Section 4 Operations, Order Number 4-4 Stopping a Vehicle, Section II. Policy, Traffic Stops.

The Notice of Recommended Termination that was served on Haden Tumlin instructed him to notify ALEA's Personnel Division via election form no later than the close of business on June 11, 2025, if he would like to hold a pre-disciplinary conference. Tumlin did elect to hold a conference via the signed election form dated June 2, 2025, and that conference was scheduled to be held and be presided over by a government hearing officer on June 16, 2025, at 9:00 a.m.

On June 16, 2025, Haden Tumlin's pre-disciplinary conference was held and presided over by government hearing officer Jeff Courtney. Tumlin, accompanied by his legal counsel, Patrick Mahaney, presented his argument before the government hearing officer, after which ALEA's General Counsel and attorney Kate Craig presented the opposing argument on behalf of ALEA. Government hearing officer Jeff Courtney upheld the recommended termination of Tumlin's employment and notified ALEA's Secretary of said recommendation via letter dated June 29, 2025. After reviewing the government hearing officer's recommendation and the evidence supporting the recommendation for termination, ALEA's Secretary notified Tumlin via a written termination letter that his employment with ALEA was terminated effective close of business on July 1, 2025.

The decision to terminate Haden Tumlin's employment is justified under State Personnel Board Rules 670-X-19-.01 (1)(b)(2) & (6)."

The testimony, observation of the witnesses' demeanor and the documentary evidence led to a recommendation that the termination of Tumlin's employment with

ALEA be upheld.

On August 5, 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.

Kate Craig, Esq., and Noel Barnes Esq. represented ALEA. Patrick Mahaney, Esq., represented Tumlin.

At the beginning of the hearing, ALEA offered Exhibits 1-18, which were admitted, without objection. The undersigned informed the parties, without objection, that Tumlin's personnel file at the Alabama State Personnel Department would be included in the record and reviewed as evidence in this proceeding.

ALEA called:

1. Jimmy Harrell, ALEA Highway Patrol Lieutenant;
2. James Corbitt, ALEA Highway Patrol Corporal;
3. Eric Smith, ALEA Highway Patrol Sergeant;
4. Darrell Campbell, ALEA Highway Patrol Captain and Troop Commander (Huntsville);
5. Haden Kyle Tumlin, former ALEA Highway Patrol Trooper, Senior.

Tumlin testified on his own behalf.

II. FACTUAL BACKGROUND

Having reviewed the documentary evidence, having heard the witnesses'

testimony, 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]

Tumlin's performance appraisals while in State service reflect:

Date Ending	Total Score	Category
05/01/2025	31	Exceeds Standards
05/01/2024	31	Exceeds Standards
05/01/2023	27	Exceeds Standards
06/30/2022	28	Exceeds Standards
11/01/2021	28	Exceeds Standards
12/31/2020	24	Meets Standards
11/01/2020	24	Meets Standards
12/08/2019	23	Meets Standards

B. State Personnel Board General Work Rules and ALEA Policies/Procedures Forming the Basis of the Charges

Board Rules 670-X-19-.01(1)(b)(2), (10), and (13) provide, in pertinent parts:

> **670-X-19-.01 General Work Rules.**
>
> (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:
>
> (a) Violations that normally result in disciplinary actions of increasing severity:
>
> ....

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

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

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

...

2. Insubordination – Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words ...

...

10. Serious violation of any other departmental rule.

...

ALEA PERSONNEL POLICIES AND PROCEDURES

...

II. GENERAL WORK RULES

(1) In addition to any special rules implemented by the various Division Directors 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 Rules of the State Personnel Board, as amended, Chapter 670-X-19-.01.

(a) Violations that normally result in disciplinary actions of increasing severity;

...

8. Violations of specific department rules

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

...

2. **Insubordination** – Failure to follow an order; disobedience; failure to submit to authority as shown by demeanor or words …

   Note: The State Personnel Board considers "disrespectful and disruptive conduct" to be insubordination. The Board has also consistently found that failure to obey a direct order is insubordination. …

…

6. **Falsification of records** – Application for employment, timecard, doctor's excuse, etc.

…

III. FACTS FORMING BASIS FOR DISMISSAL

Former Trooper Tumlin admitted to his supervisor that he filed on April 3, 2025, ALEA Form 655 – Statement of Official Travel for in state per diem for the month of March 2025, on which he claimed a total of eight days for travel outside his assigned county of Jackson, which was materially false in that he was not away from Jackson County for 6 or more continuous hours as required by ALEA Policies and Procedures.

The investigation also revealed that former Trooper Tumlin routinely failed to call in his traffic stops in serious violation of a direct command and ALEA Policy to report each traffic stop made. This failure to follow ALEA Operations Order 4-4 creates serious potential safety problems for Troopers making stops in case they need help from Headquarters and Headquarters does not know where they made a traffic

stop for which they now need help and assistance.

Tumlin said he was only trying to call attention to the shortage of personnel when he turned in the Form 655. Tumlin rarely asked for reimbursement for in-state travel.

Tumlin's fellow Huntsville officers and local supervision recommended a lesser punishment (a written reprimand) than was determined by the appointing authority. Tumlin's performance appraisals routinely reflected "exceeds standards." Prior to this incident, Tumlin had no disciplinary punishment or record at ALEA. Tumlin presented in his hearing appearance as articulate, intelligent and professional. Tumlin was very sorry for having lost his job as a Trooper.

IV. ISSUE

Did ALEA, as the appointing authority, prove by a preponderance of the evidence, Tumlin should be dismissed from his employment at ALEA based upon violations of ALEA and State Personnel Board Rules?

V. 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 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]ismissal 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).[3]

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

---

[3] 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).

1976).[4]

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 considered all the evidence in this case and finds no basis for a lesser disciplinary action than dismissal. Accordingly, the undersigned finds the preponderance of the evidence warrants dismissal in this case. Therefore, the undersigned recommends to the Board that the dismissal of Haden Tumlin by ALEA be UPHELD.

---

[4]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.

Done, this the 22nd day of September 2025.

JAMES JERRY WOOD
Administrative Law Judge
State of Alabama
Personnel Department
64 North Union Street
Montgomery, Alabama 36130
Telephone: (334) 242-8353
Facsimile: (334) 353-9901

VIA EMAIL AND FIRST-CLASS U.S. MAIL:

Patrick Mahaney, Esq.
8650 Minnie Brown Road, Suite 150
Montgomery, Alabama 36117
Telephone: (334) 277-3974
Email: pdmahaney@aol.com

Kate Craig, Esq.
Noel Barnes, Esq.
201 South Union Street, Suite 300
Montgomery, Alabama 36130
Telephone: (334) 676-6102
Email: noel.barnes@alea.gov
kate.craig@alea.gov