

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

TIFFANY RIDLEY,

Appellant,

v.

Case No. 12-RED-02-0031

DEPARTMENT OF REHABILITATION & CORRECTION,
LONDON CORRECTIONAL INSTITUTION,

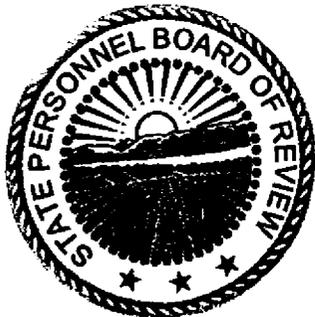
Appellee

ORDER

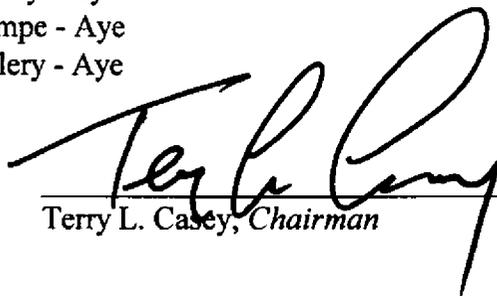
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant Order of Reduction issued to Appellant, effective January 28, 2012, reducing the Appellant from the position of Correction Food Service Manager 1 to a Correction Food Service Coordinator is **AFFIRMED**, and the Appellant's appeal is **DENIED**.



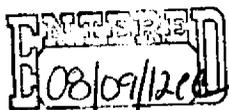
Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

CERTIFICATION

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitutes ~~(the original)~~ a true copy of the original) order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, August 09, 2012.




Erin E. Conn
Clerk

NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Tiffany Ridley,

Case No. 12-RED-02-0031

Appellant

v.

July 5, 2012

Dept. of Rehab. & Corr.,
London Correctional Institution,

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

On January 27, 2012, the Ohio Department of Rehabilitation and Corrections, London Correctional Institution (LOCI) served an Order of Reduction, in accordance with Ohio Revised Code (O.R.C.) section 124.34, upon the Appellant, Tiffany Ridley, a Correction Food Service Coordinator. The order alleged the following:

This will notify you that you are reduced in pay, from your position of Correction Food Service Manager 1 and/or reduced to new position of Correction Food Service Coordinator effective January 28, 2012.

On October 21, 2011 a fire occurred in the food service dish room. When informed of the fire by a Food Service Coordinator, Ms. Ridley exited the building with the manager's key ring, only to return when directed to by security staff to turn off the power to the dish room. Ms. Ridley then left the institution without completing any reports or being checked my medical staff. Ms. Ridley did not assist the coordinators in maintaining the fire or by making notification of the fire. By exiting the area with the managers, she delayed the process of cutting the power in the dish room area.

These actions are in violation of Standards of Employee Conduct, Rules:

Rule #8: Failure to carry out a work assignment or the exercise of poor judgment in carrying out the work assignment. Potential penalties: 1st: WR or 1; 2nd: 2 Day; 3rd 5 Day; 4th: Removal.

Rule #27: Failure of the supervisor to properly supervise or enforce work rules or failure to properly process employee payroll forms. Potential penalties: 1st: WR or 1 or R; 2nd: 2 Day or R; 3rd 5 Day or R; 4th: Removal.

Rule #50 Any violation of ORC 124.34... And for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of such sections or the rules of the Director of Administrative Services for the commission, or any failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office. Potential penalties: 1st: WR or 1 or R; 2nd: 2 Day or R; 3rd 5 Day or R; 4th: Removal.

Thereafter, on February 3, 2012, the Appellant, Ms. Tiffany Ridley, filed a timely appeal from this order. Further, prior to going on to the record hearing, the jurisdiction of this Board was established and stipulated. Further, the parties also stipulated that with respect to Appellee's exhibits 3 through 7, that each and every one of the policies noted by the exhibits was in effect on October 2011, and that the Appellant had knowledge thereof. The aforementioned exhibits contained the following policies: Appellee's Exhibit 3- Standards of Employee Conduct; Appellee's Exhibit 4- Incident Reporting and Notification; Appellee's Exhibit 5- Employee Accident Reporting and Analysis; Appellee's Exhibit 6- Fire Action Plan and Appellee's Exhibit 7- Critical Incident Management. Additionally, the parties stipulated to Appellee's Exhibit 9, the Investigation report of Kenneth Berry dated November 10, 2011, in the following manner that the attached incident reports and investigatory reports are true and accurate statements made by the witnesses.

The Appellant, Ms. Tiffany Ridley, appeared at the record hearing and represented herself *pro se*. The Appellee, the Ohio Department of Rehabilitation and Correction, London Correctional Institution, was present through its designee, Ms. Vickey Justus, a former Labor Relations Officer for the Department, and was represented by Mr. Philip Judy and Mr. Brandon Gibbs, Assistant Attorneys General.

This hearing was conducted by the State Personnel Board of Review in accordance with O.R.C. section 124.34, which specifically provides that an employee may file an appeal of any order filed under O.R.C. section 124.34, within ten (10) days after having received the order with the State Personnel Board of Review. The record hearing in this case began on June 21, 2012, and ended that same day.

STATEMENT OF THE CASE

Appellee's first witness was the Appellant, Ms. Tiffany Ridley, as called on cross-examination. When questioned, the witness identified Appellee's Exhibit 2 as her employment history on computer (EHOC) which indicated she was hired by the Department in December 2006 as a Correction Food Service Coordinator and was promoted to the position of Correction Food Service Manager 1 in November 2010. Further, the evidence revealed on or about January 29, 2012, the Appellant had been making \$20.90 per hour as a Correction Food Service Manager 1 and was demoted to the position of a Correction Food Service Coordinator making \$20.45 per hour, a \$.45 per hour reduction. Additionally, the witness identified Appellee's Exhibit 1 as an accurate position description of a Correction Food Service Manager 1 wherein she would report to a Correction Food Service Manager 2, Mr. Tony Ruffin, during the relevant period of time on October 21, 2011, the date in which the incident took place. The witness affirmed, when questioned, that when Mr. Ruffin was not present at the institution on the date of the incident, she was in charge or the boss of the kitchen area.

The witness then identified Appellee's Exhibit 3 as the Department's policy outlining the standards of employee conduct, to which she acknowledged that she was expected to follow. Ms. Ridley was questioned regarding the three rule violations numbers 8, 27 and 50, the failure to carry out a work assignment or the exercise of poor judgment, the failure of a supervisor to properly supervise or enforce work rules and any violation of O.R.C. 124.34, respectively, and acknowledged the existence of these rules which she knew she had to follow. The witness also identified Appellee's Exhibit 4 as a policy covering incident reporting and notification wherein she understood that incidents included anything that affected the health and safety of any person, a breach of or threat to the security of the facility, the disruption of the orderly operation of the facility and any serious

threat towards the health, safety or security of any persons. Specifically, the witness acknowledged that on page 36 and 37 of Appellee's Exhibit 4 that all non-routine occurrences defined as incidents are to be reported in a timely and effective manner to the appropriate persons in order to ensure that proper action may be taken, along with submitting said incident reports no later than the end of the shift or working hours. When questioned, the witness testified that she did not fill out an incident report regarding the fire that occurred in the dish room area on October 21, 2011, but did so the next day. Further, the witness testified to the best of her knowledge that everyone else that was in the dish room area, including the Correction Food Service Coordinators, all filled out as reports on October 21, 2012. Additionally, the witness testified that everyone else except herself reported to medical on October 21, 2012. Further, when questioned, Ms. Ridley did state that she could have had plenty of opportunity to pick up incident report forms in various places between the kitchen area and before walking out of the institution.

Ms. Ridley then identified Appellee's Exhibit 5 as a policy outlining the employee incident reporting and analysis and concurred that this policy applies to all staff, including herself as a manager. When questioned, the witness testified as evidenced on page 45 of said exhibit that an injured employee must complete an employee injury/illness report and the required incident report by the end of the business day in which the injury occurs and electronically submitted to his/her supervisor. Again, Ms. Ridley testified she did not report to medical that day, along with stating that she did not tell anybody in her kitchen area to report to the infirmary to get checked out and/or to file a medical report, as well. It should be noted that testimony throughout hearing revealed that a fire broke out in the dish room area wherein smoke was present and various individuals could have had smoke inhalation as a result of the fire. The witness then identified Appellee's Exhibit 6 as the policy outlining a, "fire action plan" to which she acknowledged that it applied to all staff including herself as a manager. Ms. Ridley testified that the fire action plan procedure is to report, contain, mobilize, respond and recover to the incident. Moreover, the witness explained she also had training regarding fire safety starting in 2007 through 2011 on an annual basis. When questioned if she did any of those things listed in the procedures, the witness testified that she did not, but she did give a brief appraisal of the extent of what happened to Capt. Leon Hill, the shift commander at the institution. The witness testified that she talked to the captain when she was outside, wherein she stated the fire was contained. However, when questioned further, the witness testified that she did not assess the damage or investigate the matter. The witness agreed that the incident occurred around 6:40

p.m. on the day in question and that she as a manager should have been debriefing with other supervisors at that time, which she did not.

The witness then identified Appellee's Exhibit 7 as a policy outlining Critical Incident Management which Ms. Ridley agreed she had knowledge thereof. As indicated on page 56 of said exhibit, Ms. Ridley understood the policy of the Department is to effectively manage a critical incident in order to maintain the safety of the general public, the safety of staff, the safety and welfare of inmates and protect State property. Again, the witness testified that the fire started around 6:45 p.m. that day in question and that she was in her office and that she had to physically walk past the dish room on her way out of the office. When questioned if she remembered talking to Travis Pfaff, a Correction Food Service Coordinator, wherein she stated to him, "Good fucking thing someone told me about this fire", she testified that she could not recall making that statement. However, the witness recalled that Corrections Officer Jones did tell her to evacuate the area.

Ms. Ridley identified Appellee's Exhibit 9 as Mr. Kenneth Berry's investigation report, and more specifically on page 87 identified that was the start of her interview. When questioned, the witness testified that Capt. Hill, Lieut. Sabulsky and she were the only supervisors present that evening. Further, the witness testified that before she left the compound at 7:00 p.m. she returned to drop off her keys because they needed to turn off the electric in the manager's office. The witness also explained because she was evacuated she could not go back into the building to write her incident reports. Further, the witness identified Appellee's Exhibits 11 as a pre-disciplinary conference notice; Exhibit 12 as a hearing officer's report; and Exhibit 13 as the instant 124.34 order of reduction.

Appellee's next witness was Mr. Travis Pfaff, a Correction Food Service Coordinator at London Correctional Institution, a position he has held for approximately the last two years. Further Mr. Pfaff stated that Ms. Tiffany Ridley was his supervisor during that time period, as well as on the date of the incident in question on October 21, 2011. When questioned, the witness testified that he was working that day and that a fire broke out in the dish room due to a rag being in the garbage disposal. The witness testified that he let Ms. Ridley know about the fire, but he did not see her go into the dish room or if she looked that way, or if she called anyone. When questioned, the witness testified that he was not directed by Ms. Ridley at any time, but only by Capt. Hill. Further, the witness testified that he saw Ms. Ridley talk to Capt. Hill outside, but that was only for a minute or so, and

that she proceeded to leave shortly thereafter. However, he understood that Capt. Hill needed Ms. Ridley's keys and that she returned to the chow hall about 5 minute later and dropped them off to Capt. Hill, so he could shut off the power supply. The witness testified that about 30 to 40 minutes later the staff left, but not before Capt. Hill told them to go to medical to get checked out. When questioned, the witness testified that when Capt. Hill told everyone to go to medical, Ms. Ridley was not present. The witness commented that even if Capt. Hill had not said to go to medical, he would have gone anyway since there had been an incident and that it is common knowledge that that needs to be done. Moreover, the witness testified that he filled out his incident and medical reports that night before he left, as well. Moreover, when questioned, the witness explained that he did not observe Ms. Ridley talk to anyone or to himself before she left.

On cross-examination, the witness testified that Mr. Feyh pulled the fire extinguisher and put the fire out. When questioned, the witness testified that the Correction Food Service Coordinator have the responsibility of supervising inmates, not the managers. When questioned as to who turned off the power to the dish room, the witness testified that he did not know. Upon further questioning, the witness testified that supervisors should always notify the shift commander if and when possible. When questioned, the witness testified that he did not receive discipline as result of any of his actions regarding the incident in question. Further, the witness testified that he did not see Ms. Ridley actually give the keys to Capt. Hill, nor did he recall Capt. Hill telling Ms. Ridley that all is clear. Moreover, the witness testified that he did not recall Ms. Ridley talking to Corrections Officer Willis after the power was turned off.

On redirect examination, the witness testified that mainly the corrections officers are responsible for the inmates. Additionally, when questioned, the witness testified that he never heard of the second fire the next week.

The Appellee's next witness was Capt. Leon Hill. When questioned, Capt. Hill testified that he is currently employed at London Correctional Institution as an acting Labor Relations Officer, and has been working in this temporary working position for approximately last two months. However, the witness testified that on the date of the incident in question on October 21, 2011, as Captain he was the Shift Commander, or the highest-ranking individual at the institution at that date and time. When questioned, the witness identified Appellee's Exhibit 10 as his electronic "incident report" that he filed on October 21, 2011. Capt. Hill testified that it was Corrections

Officer Simpkins who notified him of the fire and that Corrections Officer Jones had cleared out the chow hall. Further, when questioned, the witness testified prior to the incident in question that he was not really familiar with Ms. Ridley or understood that she held the position of Correction Food Service Manager 1. When recalling the incident in question, the witness testified the first time that he talked to Ms. Ridley, she simply, "asked to go home", and that he did not understand that she was a Correction Food Service Manager 1. Further, the witness testified that Ms. Ridley did not state her position to him, she did not tell him anything about what happened in the dish room, nor did she ask if she could assist in any way. Moreover, the witness when questioned explained again that he did not see Ms. Ridley until she was outside, wherein she was not doing anything or assisting anybody in any way. Additionally, the witness testified that when she did ask to leave he told her that she could, but that he did not know that she had been in the kitchen area at that time. The witness testified that if he would have known that Ms. Ridley held the position of a manager he would have told her to stay and perform duties and the like. Lastly, the witness testified that Ms. Ridley at no time mentioned the fire that occurred in the kitchen area wherein she was the manager thereof.

On cross-examination, the witness recalled that the control center had called for the fire department and that he didn't recall Ms. Ridley giving the keys to Lieut. Sabulsky to turn off the power supply. Again, the witness commented that at no time did Ms. Ridley ask him if there was anything that she could do to assist in the situation. Further, the witness testified that the Capt.'s office is only approximately 3 to 4 minutes away from the chow hall and that when the fire appeared to be put out he assisted the Chief of the fire department by going in the building and making sure it was secure. Moreover, when questioned, the witness testified that Ms. Ridley was the only one who did not turn in written incident reports on the date of the incident, only the next day, contrary to policy.

The Appellee's last witness to testify was Ms. Timmerman-Cooper, the Warden at London Correctional Institution, a position she's held for approximately the last nine years. The witness explained that prior to being employed at London Correctional Institution she was the Warden at the Ohio Reformatory for Women, and that she has a total of 28 years of experience in corrections. When questioned, the witness explained that she signed the order to demote Ms. Tiffany Ridley after she reviewed all the investigatory reports and incident reports and hearing officer's recommendation. The witness explained they had a committee made up of

various individuals and positions that discussed if just cause existed and to determine if any rule(s) were violated.

The witness identified Appellee's Exhibit 9 as Kenneth Berry's investigative packet that contained various interviews and incident reports covering the incident in question that she received and reviewed, along with the committee reviewing it as well. The witness noted that on page 85 of said exhibit the recommendation was for further action. As a result, Ms. Timmerman-Cooper testified that the committee wanted to proceed with discipline, because the committee felt that Ms. Ridley violated several rules of misconduct.

The witness then identified Appellee's Exhibit 3 as the standards of employee conduct policy. She noted on page 23, 25 and 32 that Ms. Ridley in her opinion violated rule number 8, failure to carry out the work assignment or the exercise of poor judgment in carrying out an assignment; rule number 27, failure of the supervisor to properly supervise or enforce work rules; and rule number 50, a violation of O.R.C. 124.34, and in this case specifically neglect of duty and/or misfeasance in office. Additionally, the witness testified that the committee then made a recommendation to proceed to pre-disciplinary hearing. The witness then identified Appellee's Exhibit 12 as the hearing officer's report noting that just cause was found after which the committee then reconvened to determine the discipline. The witness then testified that she delivered to Ms. Tiffany Ridley the instant 124.34 order of reduction on or about January 27, 2012, noting that rules number 8, 27 and 50 had been violated.

Generally speaking, the witness testified that overall during this major incident she felt that Ms. Ridley exercised very poor judgment in carrying out her work duties, as she has been trained to be a manager; and for whatever reason she chose not to be one, and she just chose to leave the area without filling out any reports before leaving, nor reporting to medical, nor help and/or assist the other managers that were on duty that day in the performance of their jobs. Additionally, the witness testified that she wanted to remove Ms. Ridley from her position, but the committee convinced her to seek just a demotion.

The Appellant began her case-in-chief by calling herself to the witness stand as on direct examination. Ms. Ridley testified that she began her career with the Department as a Correction Food Service Coordinator at Lebanon Correctional Institution, only be transferred to London Correction Institution as a Correction Food

Service Coordinator six months later. The witness testified that she held her position as a Correction Food Service Coordinator at London Correctional Institution for approximately the next five years, being promoted to the position of a Correction Food Service Manager 1 approximately one year ago.

With respect to the incident in question, the witness explained that she had the keys on her. She left the building only when she was told to do so, but the main fuse/breaker was in the dish room; and they needed her keys to flip off the breaker. The witness then stated that she accepts responsibility for not checking on her staff, and she accepts responsibility for not filling out the required reports that evening. The witness testified that to the best knowledge everyone got out of the kitchen area when she was out in the yard, and there was no one really to contact at that time because everyone was out in the yard. Further, when questioned, the witness stated that she recalled asking to Capt. Hill if there was anything that she could do.

On cross-examination, the witness explained in her opinion she had not received the proper supervisory training to handle the situation and/or incident that she found herself to be in on the day in question.

FINDINGS OF FACT

1. The jurisdiction of this Board to conduct this hearing was established by O.R.C. § 124.34.
2. Ms Ridley served LOCI as a Correction Food Service Manager 1, from November 7, 2010 to January 29, 2012, wherein she was reduced to the position of Correction Food Service Coordinator, as well as in pay from \$20.90 per hour to \$20.45 per hour.
3. The Appellant, Tiffany Ridley, as a Correction Food Service Manager 1, was reduced from her position with LOCI for violating rule numbers 8, 27 and 50, the failure to carry out a work assignment or the exercise of poor judgment, the failure of a supervisor to properly supervise or enforce work rules and any violation of O.R.C. 124.34, respectively.

4. On January 27, 2012, LOCI hand delivered to Ms. Ridley an O.R.C. § 124.34 Order of Reduction which reduced Ms. Ridley from her position effective January, 28, 2012.
5. The Appellee stipulated to the fact that Appellant's appeal was timely filed.
6. The Appellant, Ms. Ridley, in her five plus years of service at LOCI, had not received any previous discipline prior to her reduction, nor did she submit any evidence of disparate treatment.
7. The Appellee proved by a preponderance of the evidence that Ms. Ridley received her procedural due process through a pre-disciplinary hearing.
8. The Appellee, by a preponderance of the evidence, established that standards of conduct existed for and were known by Ms. Ridley regarding all of the policies that were effect, specifically: Appellee's Exhibit 3- Standards of Employee Conduct; Appellee's Exhibit 4- Incident Reporting and Notification; Appellee's Exhibit 5- Employee Accident Reporting and Analysis; Appellee's Exhibit 6- Fire Action Plan and Appellee's Exhibit 7- Critical Incident Management. The testimony and documentary evidence presented at the record hearing established by a preponderance of the evidence that the Appellant:
 - a. Failed to carry out a work assignment and/or exercised poor judgment in carrying out a work assignment in violation of work rule #8, by not filling out both medical and incident reports as required prior to the end of her shift.
 - b. Failed as a supervisor to properly supervise or enforce work rules in violation of work rule #27, by not telling the Correction Food Service Coordinators under her control to report to medical or to instruct them to file incident reports
 - c. Was neglectful in her duties, thus violating work rule #50 by both failing to carry out a work assignment and/or exercise poor judgment in carrying out a work assignment and by failing as a supervisor to properly supervise or enforce work rules.

CONCLUSIONS OF LAW

As in any disciplinary appeal before this Board, the Appellee bears the burden of establishing by a preponderance of the evidence, certain facts. The Appellee must prove that the Appellant's due process rights were observed, that it substantially complied with the procedural requirements established by the Ohio Revised Code and Ohio Administrative Code in administering the Appellant's discipline, and that the Appellant committed one or more of the enumerated infractions listed in O.R.C. § 124.34 and the disciplinary order.

With regard to the infractions alleged, Appellee must prove for each infraction that the Appellee had an established standard of conduct, that the standard was communicated to the Appellant, that the Appellant violated that standard of conduct, and that the discipline imposed upon the Appellant was an appropriate response. In weighing the appropriateness of the discipline imposed upon the Appellant, this Board will consider the seriousness of the Appellant's infraction, the Appellant's prior work record and/or disciplinary history, the Appellant's employment tenure, and any evidence of mitigating circumstances or disparate treatment of similarly situated employees presented by the Appellant.

Due process requires that a classified civil servant who is about to be disciplined receive oral or written notice of the charges against him, an explanation of the employer's evidence, and an opportunity to be heard prior to the imposition of discipline, coupled with post-disciplinary administrative procedures as provided by O.R.C. § 124.34. *Seltzer v. Cuyahoga County Dept. of Human Services* (1987), 38 Ohio App.3d 121. Information contained in the record indicates that the Appellant was notified of and had an opportunity to participate in a pre-disciplinary hearing. The Appellant also had notice of the charges against her and an opportunity to respond to those charges. Accordingly, the undersigned Administrative Law Judge finds that the Appellee substantially complied with the procedural requirements established by the Ohio Revised Code and Ohio Administrative Code in removing the Appellant.

This Board's scrutiny may, therefore, proceed to the merits of the charges made against the Appellant. The Appellee established by a preponderance of the evidence that it had established standards of conduct and that such standards had been communicated to the Appellant. According to the O.R.C. § 124.34 Order, the Appellant's reduction was based upon her violating work Rule #8: Failure to carry

out a work assignment or the exercise of poor judgment in carrying out the work assignment: Rule #27: Failure of the supervisor to properly supervise or enforce work rules: Rule #50 Any violation of ORC 124.34... Specifically, neglect of duty and/or misfeasance in office.

Neglect of Duty

The Appellee proved by a preponderance of the evidence that Ms. Ridley was guilty of neglect of duty. Ohio Revised Code Chapter 124 does not define "neglect of duty." However, Black's Law Dictionary does define "neglect" to mean:

. . . to omit, fail, or forbear to do a thing that can be done, or that is required to be done, but it may also import an absence of care or attention in doing or omission of a given act. And it may mean a designed refusal, indifference or unwillingness to perform one's duty. Black's Law Dictionary 1031 (Deluxe 6th Ed. 1990).

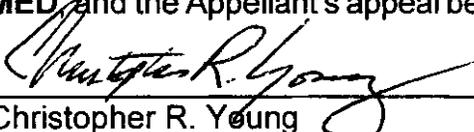
For the Appellee to establish that an employee committed neglect of duty, the Appellee must demonstrate that a duty upon the part of the employee existed, the employee knew of that duty, and while knowing of that duty, the employee breached that duty.

As revealed by the testimony, the Appellee proved by a preponderance of the evidence that the Appellant was neglectful in her duties. The documentary and testimonial evidence revealed that the Appellant knew of the established standard of conduct with regards to her knowing the requirement of filing the necessary medical and incident reports prior to the end of one's shift. The evidence in this case revealed that the Appellant, Ms. Tiffany Ridley, by her own admission failed to file her incident report prior to her leaving the premises on October 21, 2011. Additionally, the evidence also revealed that Ms. Tiffany Ridley failed to report to the infirmary to get checked out by medical staff and/or fill out any required forms in this regard. Furthermore, the evidence revealed that Ms. Ridley, as a manager, failed to instruct her subordinate staff to fill out the required incident reports, or report to medical. The above noted lapses in judgment proved by a preponderance of the evidence that Ms. Tiffany Ridley was guilty of neglect of duty, along with being in violation of work rule(s) numbers 8, 27 and 50.

The question remains of whether the discipline imposed should be sustained. The undersigned Administrative Law Judge recommends that the evidence presented at the record hearing, taking the totality of the circumstances into account, is sufficient to support the reduction of the Appellant. In this case, the evidence revealed that the Appellant, Ms. Tiffany Ridley, received numerous trainings between 2007 thru 2011 regarding the policies that were violated and she acknowledged and stipulated to the same. When a critical incident occurred, she failed to live up to her previous training. This combined with a wage loss of \$.45 per hour and a supervisory reduction, does not appear out of line to the undersigned Administrative Law Judge. Since the Appellant is no longer acting in a supervisory position, she will have the opportunity in the future to better acquaint herself with the rules and regulations that the Department adequately instructed her to become familiar with. Therefore, the undersigned Administrative Law Judge concurs with the Appellee's decision to reduce the Appellant.

RECOMMENDATION

Therefore, based upon the above analysis, I respectfully **RECOMMEND** that the instant Order of Reduction issued to the Appellant, effective January 28, 2012, reducing the Appellant from the position of Correction Food Service Manager 1 to a Correction Food Service Coordinator be **AFFIRMED** and the Appellant's appeal be **DENIED**.



Christopher R. Young
Administrative Law Judge

CRY:

