



STATECIVILSERVICE

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Ruling On Notice

Filed: August 30, 2019

State of Louisiana
Civil Service Commission

Docket No. S-18539

Shelly Sebastian

Versus

Louisiana State Police Retirement System

To: Linda Law Clark
Attorney for Appellee
732 North Blvd.
Baton Rouge, LA 70802

And

Greg Rome
Attorney for Appellant
201 Napoleon Street
Baton Rouge, LA 70802

In her appeal, Ms. Sebastian alleged that the disciplinary letter dated March 26, 2019 (as well as the pre-deprivation letters dated March 11 and 22, 2019) lacks the detail and specificity required by Civil Service Rule 12.8 (and 12.7) so as to fully inform her of the conduct she is charged with and to enable her to prepare a defense. Similarly, Appellant also alleged in her appeal that all of the attachments referenced in her pre-deprivation letters and the disciplinary letter were not attached as stated in such letters. In response, on June 21, 2019, I issued a notice to appellee, through its counsel of record, requesting the agency to provide proof that all of the attachments referenced in her pre-deprivation letters and the disciplinary letter were attached as stated in such letters; and to show cause why certain charges contained in Appellant's disciplinary letter dated March 26, 2019 (and in her pre-deprivation letters) should not be stricken.

I gave Appellee fifteen days from the date of my June 21, 2019 notice to show cause in writing why I should not take the action referenced in such notice.

Since June 21, 2019, counsel for Appellee responded to my notice. Initially, I note that Appellee alleges that Appellant was provided all of the attachments referenced in her pre-deprivation letters and the disciplinary letter. Therefore, as there is a conflict between the positions of the parties on this issue, I hereby rule that this issue as to whether or not Appellant received all of the attachments referenced in her pre-deprivation letters and the disciplinary letter will remain an open issue to be addressed at the hearing of this matter. In this ruling, I will only reference the disciplinary letter as the pre-deprivation letters contain the same charges as referenced in the disciplinary letter dated March 26, 2019. However, whatever ruling I make as to the disciplinary letter also applies to the corresponding charges in Ms. Sebastian's pre-deprivation letters. Furthermore, I will address the allegations in Ms. Sebastian's disciplinary letter dated March 26, 2019 as to each of the twenty seven charges referenced in my notice dated June 21, 2019.

I hereby rule as to the sufficiency of the allegations in Ms. Sebastian's disciplinary letter dated March 26, 2019 in accordance with Civil Service Rule 12.8 (and corresponding pre-deprivation letters in accordance with Civil Service Rule 12.7) as follows:

As to allegation number one contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity and this charge is so old that it is stale.

As to allegation number two contained in Ms. Sebastian's disciplinary letter, this paragraph shall not be stricken as such allegations are general in nature and merely support other charges.

As to allegation number three contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity and this charge is so old that it is stale.

As to allegation number four contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

As to allegation number five contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number six contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge (both subparts) as it fails to provide adequate specificity.

As to allegation number seven contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

As to allegation number eight contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number nine contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

As to allegation number ten contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number eleven contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

As to allegation number twelve contained in Ms. Sebastian's disciplinary letter, this paragraph shall not be stricken as such allegations are general in nature and merely support other charges.

As to allegation number thirteen contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number fourteen contained in Ms. Sebastian's disciplinary letter, this paragraph shall not be stricken as such allegations are general in nature and merely support other charges.

As to allegation number fifteen contained in Ms. Sebastian's disciplinary letter, this paragraph shall not be stricken as such allegations are general in nature and merely support other charges.

As to allegation number sixteen contained in Ms. Sebastian's disciplinary letter, this paragraph shall not be stricken as such allegations are general in nature and merely support other charges.

As to allegation number seventeen contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number eighteen contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number nineteen contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number twenty contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number twenty one contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number twenty two contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number twenty three contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number twenty four contained in Ms. Sebastian's disciplinary letter, I hereby strike this charge as it fails to provide adequate specificity.

As to allegation number twenty five contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

As to allegation number twenty six contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

As to allegation number twenty seven contained in Ms. Sebastian's disciplinary letter, this charge was sufficiently pled and will remain as referenced in my June 21, 2019 notice.

Consequently, at the hearing of this matter, no evidence will be taken as to the charges stricken from Ms. Sebastian's disciplinary letter dated March 26, 2019.

The hearing for this civil service appeal will be scheduled in due course.



Brent C. Frederick
Civil Service Commission Referee

Cc: Kimberly Gann
Pending file

NOTICE: All Civil Service Rule(s) referenced above can be viewed at the
Department of State Civil Service website: www.civilservice.la.gov