

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

PATRICIA HYMEL

APPELLANT

VS.

NO.12-011

MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES

APPELLEE

ORDER

This cause came on for hearing on May 29, 2012, in Jackson, Mississippi. The Appellant, Patricia Hymel, represented herself and Joyce Hill Williams represented the Mississippi Department of Human Services ("MDHS").

The following persons testified: Patricia Hymel, Gloria Jackson, and Larry Jackson.

On October 11, 2011, Patricia Hymel was employed by the MDHS. Hymel was a probationary employee. On February 12, 2012, MDHS issued a termination notice to Hymel. On February 29, 2012, Hymel filed an appeal of that termination with the Mississippi Employee Appeals Board alleging that she was terminated because of a

[REDACTED]

This tribunal finds as follows: Patricia Hymel [REDACTED]

[REDACTED]. Hymel filed for [REDACTED] and was off work for several weeks. On January 5, 2012, [REDACTED]

[REDACTED]. The workers' compensation third party administrator and Gloria Jackson, MDHS Personnel Director, received a copy of the January 5, 2012, [REDACTED]. On January 6, 2012, Jackson sent a letter to Hymel acknowledging her [REDACTED]

[REDACTED], and requesting that Hymel review her job duties and "(f)ollowing this review, if [REDACTED], you should request, in writing, that management consider providing these to you. This written

This order has been partially redacted of information exempted pursuant to the Mississippi Public Records Act, other statutory exemptions or court order.

request. . . is needed as soon as possible, but no later than Monday, January 23, 2012." Hymel did not return to work the week of January 9-11, 2012. On January 19, 2012, Hymel returned to [REDACTED] [REDACTED] which stated [REDACTED] [REDACTED] Gloria Jackson did not receive anything in writing from Hymel until February 17, 2012, when Hymel sent or resent a copy of the January 19, 2012, [REDACTED] to Jackson. Hymel did not report to work and MDHS did not receive a written request for [REDACTED] prior to the January 23, 2012, deadline. This lack of communication appears to be the reason for Hymel's termination, not [REDACTED]

The Mississippi Employee State Handbook states as follows with regard to probationary employees, "(d)uring this . . . probationary period, the employee does not have a property right to his or her job and may be terminated with or without cause and without due process by the employee." Since Hymel was an at will employee and was not terminated due to [REDACTED] her termination is affirmed.

For the foregoing reasons this tribunal finds that Patricia Hymel's termination was not discriminatory and is affirmed, and Hymel's appeal is dismissed with prejudice.

SO ORDERED THIS THE 4th DAY OF June, 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: Ingrid Dave Williams
INGRID DAVE WILLIAMS
Hearing Officer