

**FILED**  
**MAR 29 2013**

**BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD** **EMPLOYEE APPEALS BOARD**

**LEONA BLANKS**

**APPELLANT**

**VS.**

**NO.12-046**

**MISSISSIPPI DEPARTMENT OF  
MENTAL HEALTH, ELLISVILLE STATE SCHOOL**

**APPELLEE**

**ORDER GRANTING MOTION TO REOPEN RECORD AND FINAL ORDER**

This cause came on for hearing on November 8, 2012, in Ellisville, Mississippi. The Appellant, Leona Blanks, represented herself and Gene Rowzee represented the Mississippi Department of Mental Health ("MDMH").

Following the hearing, on November 9, 2012, the Appellee, MDMH, filed a Motion to Reopen the Record. A telephonic hearing on the Motion to Reopen the Record was held on December 19, 2012. That Motion is hereby granted and the additional documentary evidence offered in the Motion is admitted into evidence.

Leona Blanks was employed by MDMH as a Direct Care Worker ("DCW") at the Waynesboro, Mississippi Group Home. On July 16, 2012, Blanks received a written reprimand for falsification of records. On August 2, 2012, Blanks was terminated from her employment based on that written reprimand. The termination notice specified that "[t]his act

occurred on July 12, 2012, when your supervisor observed the bed check sheet for C-shift on July 12, 2012 in your assigned community home, fully completed through 6:00 a.m. when checked at 4:50 a.m." Blanks appealed her termination to the MEAB.

This tribunal finds as follows: Blanks was working as a DCW at the Waynesboro Group Home on C shift from 10:00 p.m. on July 12 through 6:30 a.m. on July 13, 2013. Blanks was the charge person on that shift. Jennifer Gwin, Blanks supervisor, visited the home about 4:45 a.m. on July 13, 2012. Gwin observed that the home was dark. Gwin retrieved a flashlight and found Blanks in a recliner with a blanket over her, and her eyes closed. When Gwin shone the light on Blanks she spoke saying, "What is it? What is it?" Gwin reviewed the Client Bed Check Log and observed that it had been completed through 6:00 a.m., with Blanks initials at the 5:15, 5:30, 5:45, and 6:00 a.m. intervals. Gwin also reviewed the Cottage Log and noted that it was completed as well—the log was notated that the "Baths begin @6:00/am . . . Turning everything over to A-Shift."

MDMH "Individual Bed check Procedures" requires that bed checks be done to document the physical condition of each individual residing in the group home. "The checks occur between the hours of 9:00 P.M. and 6:00 a.m. at 15 minute intervals and are documented on the standard

client bed check form . . . the employee should never document 'ahead of time' All bed checks should be current to the moment."

Blanks training records reflect that she was trained a number of times on proper documentation and procedures. Between January of 2007 and July of 2012 she was trained on proper documentation 5 times. During that same time period Blanks was trained on the use of the Cottage Manual (a quick reference guide for documentation and proper cottage procedures) 3 times.

Mississippi State Personnel Board Rule 9.1.C provides for Group Three Offenses and states that "[a]cts and behavior in this group are of the most serious nature. Commission of one (1) Group Three offense may be disciplined by the agency with . . . dismissal. . . Group Three includes the following offenses . . . 6. Falsification of records, such as, but not limited to . . . reports, time records. . ."

Blanks falsified the Client Bed Check Log and the Cottage Log by notating on the logs that she had completed required actions which had not yet been started.

Blanks contended that performing the bed checks as required by the MDMH procedures and completing the other duties of a DCW is impossible and cannot be done. There was no evidence to support that contention.

For the foregoing reasons MDMH's decision to terminate Leona Blanks is affirmed.

**SO ORDERED THIS THE 28<sup>th</sup> DAY OF March 2012.**

MISSISSIPPI EMPLOYEE APPEALS  
BOARD

BY:

A handwritten signature in cursive script that reads "Ingrid Dave Williams". The signature is written in black ink and is positioned above a horizontal line.

INGRID DAVE WILLIAMS  
Hearing Officer