

FILED
APR 04 2013

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

EMPLOYEE APPEALS BOARD

APRIL POWELL

APPELLANT

VS.

NO.12-075

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS**

APPELLEE

ORDER

This cause came on for hearing on January 30, 2013, in Jackson, Mississippi. The Appellant, April Powell, represented herself and David Scott represented the Mississippi Department of Corrections ("MDOC").

April Powell was a Correctional Officer I at the Central Mississippi Correctional Facility/MDOC. On November 13, 2012, Powell was terminated for failure to comply with applicable established written policy. Specifically Powell was terminated for reporting to work late on "August 27, 28, 2012; September 7, 14, 17, 18, 21, 23, 24, 29, 30, 2012." Powell's termination was also based on the following previous disciplinary actions: a five day suspension in August of 2012, a written reprimand in September of 2012, a written reprimand in June of 2012, and a written reprimand in March of 2012. All of those disciplinary actions were for reporting late or failure to report to duty.

This tribunal finds as follows: Powell did not appeal the five day suspensions or any of the written reprimands, so this tribunal must accept

those reprimands as correct. Powell reported to work late without excuse or permission on the dates, in August and September 2012, specified in her Notice of Termination.

MEAB rule XX B. states that "[a]n appealing party shall have the burden of proving that the reasons stated in the notice of the agency's final decision are not true or are not sufficient grounds for the action taken." Powell did not meet her burden of proof

For the foregoing reasons Powell's termination is affirmed.

SO ORDERED THIS THE 4th DAY OF April, 2013.

MISSISSIPPI EMPLOYEE APPEALS
BOARD

BY:



INGRID DAVE WILLIAMS
Hearing Officer