

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

PORCHA MARIE SANSOM  
/AKA PARCHA MARIE SANSOM

VS.

MISSISSIPPI DEPARTMENT OF  
MENTAL HEALTH, ELLISVILLE STATE SCHOOL

**FILED**

**JUL 18 2013**

**EMPLOYEE APPEALS BOARD**

APPELLANT

NO.12-041

APPELLEE

CORRECTED AND AMENDED ORDER

This cause came on for hearing on May 7, 2013, in Ellisville, Mississippi. The Appellant, Porcha Marie Sansom/aka Parcha Marie Sansom (hereinafter referred to as "Porcha Sansom"), was represented by John Satcher, and Gene Rowzee represented the Mississippi Department of Mental Health ("MDMH").

Porcha Sansom was a Direct Care Alternate Supervisor at the Ellisville State School, a service of the MDMH. On July 5, 2012, Sansom was terminated from employment at Ellisville State School for a Group Three Offense, specifically,

neglect, exploitation, abuse (verbal, physical, sexual, or mental), or failure to report such conduct toward a consumer at any time or under any circumstances. . . you were witnessed striking a consumer on the left side of his face with the back of your hand. . . Following interviews and confirmation by the results of a polygraph examination, the Director of Risk Management determined that the termination of your employment would be in the best interest of the . . . consumers . . .

This tribunal finds as follows: On May 25, 2012 Dericion Oliver a co-worker of Sansom's thought he saw Sansom hit a consumer in the day room of the dormitory to which they were assigned. Oliver was approximately 15 feet from Sansom and the consumer. Oliver was looking through a glass window. Oliver

could not tell whether Sansom "slapped" the consumer on purpose or not. The next day Oliver reported the incident to his supervisor and was told to report the incident to the appropriate authority, which he did by slipping a copy of his account of the incident under the office door of that person. Since it was a holiday weekend Oliver's report was not discovered until four days later. Oliver did not think that the consumer was in any danger from Sansom. There was conflicting evidence as to when Oliver reportedly saw Sansom hit the consumer. The consumer did not have any bruising or other evidence of abuse. Oliver had no ulterior motive for reporting what he thought was the abuse of a consumer. The only evidence that Sansom hit the consumer was Oliver's report. Sansom denied hitting the consumer. Sansom's testimony was credible. Oliver was apparently mistaken in what he thought he saw.

Rule XX B. of the MEAB Rules 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." This tribunal finds that the Appellant, Porcha Sansom, proved that the reasons for the agency's final decision were not true.

For the foregoing reasons the decision of the Respondent, Mississippi Department of Mental Health, Ellisville State School to terminate Porcha Sansom was overturned and Sansom was reinstated to her position as Direct Care Alternate Supervisor. Ms. Sansom was awarded back pay and benefits from the date of her termination to the date of the original order on May 29, 2013. However, as there were a number of continuances at the behest of both parties,

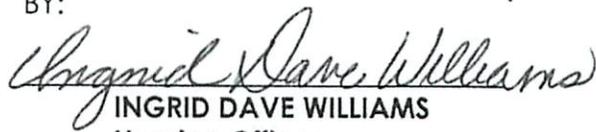
the parties were ordered to attempt to agree to a number of days to be deducted from the final payment for back pay and benefits, in an amount to account for any continuances granted at the behest of the Appellant, Sansom.

Following the issuance of the original order in this matter, on May 27, 2013, the Appellee, MDMH, noted that the date of Sansom's termination had been incorrectly stated as June 15, 2012, instead of the correct date of July 5, 2012. <sup>RDW 7/16/13</sup> Additionally, MDMH was informed that Sansom's first name had been incorrectly recorded in the State payments system, and this order was corrected to reflect both spellings of Ms. Sansom's first name. Finally, it has been calculated that Sansom will be awarded back pay for 113 days and additional back pay from March 27, 2013 to the date that she is actually reinstated to her position with Ellisville State School. The Order in this matter is amended to reflect the afore specified corrections and additions.

**SO ORDERED THIS THE 15th DAY OF July, 2013.**

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY:

  
INGRID DAVE WILLIAMS  
Hearing Officer