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BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

MOSE JAMES

FILED

APPELLANT

JUN 06 2014

VS.

NO.14-006

MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES

EMPLOYEE APPEALS BOARD

APPELLEE

ORDER

This cause came on for hearing on April 29, 2014, in Jackson, Mississippi. The Appellant, Mose James, appeared pro se, and Margarett Meeks represented the Mississippi Department of Human Services ("MDHS").

SUMMARY

Mose James had been employed with the MDHS for 19 years. James was employed as an Area Social Work Supervisor with the MDHS. In that position he was responsible for the supervision of social service programs for families, children, and adults, and the maintenance of program operations. James received a pre termination notice dated January 22, 2014. James was terminated on February 6, 2014. Prior to his termination he received appropriate due process. In the Notice of Termination James was cited for a Group Three, Number 14 offense of "an act or acts of conduct occurring on or off the job which are plainly related to job performance and are of such nature that to continue the employee in

the assigned position could constitute negligence in regard to the agency's duties to the public or to other State employees." James was also cited for a Group Two, Number One offense of insubordination for failure to comply with applicable established written policy. Specifically, James was cited for having an inappropriate relationship with the daughter of a MDHS client.

This tribunal finds that the MDHS's termination of James was supported by the evidence and that James did commit a Group III, No. 14 offense. Therefore, James' termination is affirmed.

FINDINGS

James had been working on a case involving the placement of several children with their grandmother, [REDACTED] is [REDACTED] Chavours mother.

On September 3, 2013, James Chatmon, a former boyfriend of [REDACTED] Chavours, reported to the MDHS that James had an improper relationship with Chavours. The MDHS' Department of Public Integrity ("DPI") investigated that allegation. During the course of that investigation a MDHS DPI Investigator visited the Econo Lodge motel on Ridgewood Road in Jackson Mississippi, where Chavours lived. Employees at the Econo Lodge identified James as having visited Chavours at the motel.

On September 19, 2013, James met with MDHS DPI investigators, Greta Forman and Frank Saddler. The Investigators interviewed James. That interview was recorded and was introduced into evidence at the hearing. During the interview: James admitted that he met Chavours in working on [REDACTED] case. Initially, James was evasive regarding his relationship with Chavours. Eventually, James states that he has marital problems and goes on to say "as a result, I from time to time associate with women for pleasure. That's how I began to mess around with this young lady (Chavours)."

Both James and Chavours testified at the hearing that they did not have a sexual relationship. However, in light of the totality of the other evidence, this testimony was not credible.

As a licensed social worker, James was bound to comply with the National Association of Social Work Code of Ethics. Ethical Standard One of the Code of Ethics outlines Social Workers' Ethical Responsibilities to Clients. Ethical Standard 1.06 (a) states in part that "Social workers should be alert to and avoid conflicts of interest that interfere with the exercise of professional discretion and impartial judgment." Ethical Standard 1.09 addresses Sexual Relationships. Ethical Standard 1.09 (b) states as follows:

Social workers should not engage in sexual activities or sexual contact with clients' relatives or other individuals with whom clients maintain a close personal relationship when there is a risk of

exploitation or potential harm to the client. Sexual activity or sexual contact with clients' relatives or other individuals with whom clients maintain a personal relationship has the potential to be harmful to the client and may make it difficult for the social worker and client to maintain appropriate professional boundaries. Social Workers . . . assume the full burden for setting clear, appropriate, and culturally sensitive boundaries.

Additionally, as a MDHS employee James agreed to abide by the MDHS Code of Ethics. The MDHS Code of Ethics provides that "MDHS employees are strictly prohibited from engaging in any sexual overtures or sexual contacts with clients of MDHS."

OPINION

MEAB Rule XX provides 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." James could not meet his burden of proof.

MDHS did not present any evidence that Chavours was an MDHS Client. Since the MDHS Code of Ethics only prohibits sexual contact with MDHS clients, James did not violate the MDHS Code of Ethics. There was no evidence that James committed a Group One violation of insubordination.

However, there is ample evidence that James violated the NASW Code of Ethics in that he had an inappropriate relationship with Chavours. Chavours was James' client's daughter, and it is clear that James violated

NASW Ethical Standard 1.09 (c).

James inappropriate sexual relationship with Chavours is "an act or acts of conduct . . . which are plainly related to job performance and are of such a nature that to continue the employee in the assigned position could constitute negligence in regard to the agency's duties to the public. . ."

For the foregoing reasons James' termination from MDHS is affirmed.

SO ORDERED THIS THE 6th DAY OF June, 2014.

MISSISSIPPI EMPLOYEE APPEALS
BOARD

BY:


INGRID DAVE WILLIAMS
Hearing Officer