

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

JO ANN LOVE

FILED
AUG 21 2014

APPELLANT

VS.

EMPLOYEE APPEALS BOARD

DOCKET NO.: 13-052

MISSISSIPPI DEPARTMENT OF
HUMAN SERVICES

RESPONDENT

FULL BOARD ORDER

Appellant, Jo Ann Love ("Love"), filed an appeal to the Mississippi Employee Appeals Board ("MEAB"), *en banc*. Love appealed the Order entered by Hearing Officer Ingrid Dave Williams on August 9, 2014. The MEAB, *en banc*, has reviewed the record and briefs in this matter, and finds the decision of Hearing Officer Williams should be affirmed.

The Appellant was employed as a Program Administrator Senior with the Mississippi Department of Human Services ("MDHS"). On August 9, 2014, Love received a notice of termination citing her for a Group Three Number One offense of "unauthorized absence or leave in excess of three (3) consecutive days without required notification and satisfactory explanation to the supervisor or the appointing authority in a timely manner." Love was also cited with a Group Three Number Fourteen offense of "[a]n 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 constitute negligence in regard to the agency's duties to the public or to other state employee."

Love was absent from work sporadically from September 11, 2012 until January 2, 2013. Beginning on January 2, 2013, Love was absent from work continuously, except for two (2) hours she worked on January 2, 2013 and Forty-Four (44) hours she worked in February 2013, due to a worker's compensation injury. On June 13, 2013, MDHS attempted to accommodate Love within the guidelines/restrictions set forth in her medical doctor statements. Love was informed that she

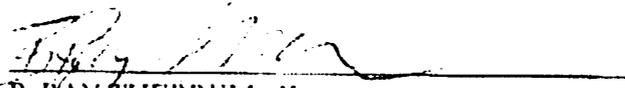
needed to return to work or provide documentation to support her continued absence. On June 17, 2013, Love submitted a medical statement to MDHS with a return to work date of July 9, 2013. Love did not return to work, or provide any medical documentation to the agency. Love was terminated on August 9, 2014, and appealed her termination to the MEAB.

After review, the MEAB, en banc, affirms Hearing Officer Williams' Order. It is clear, Love failed to provide satisfactory medical documentation to MDHS regarding her failure to return to work. We further agree with Hearing Officer Williams' conclusion that Love's continuous absence could affect MDHS' obligation to provide proper services to the public, and thus, could constitute negligence by the Agency.

Based upon the foregoing, the Order of Hearing Officer Ingrid Dave Williams, dated August 9, 2014, is hereby Affirmed.

So ORDERED, on this the 9th day of August, 2014.

MISSISSIPPI EMPLOYEE APPEALS BOARD


B. RAY THERRELL, II