

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

LEE ISHEE

APPELLANT

VS.

NO.12-047

**MISSISSIPPI DEPARTMENT OF
CORRECTIONS**

APPELLEE

ORDER

This cause came on for hearing on October 3, 2012, in Leakesville, Mississippi. The Appellant, Lee Ishee, represented himself and David Scott represented the Mississippi Department of Corrections ("MDOC").

The following persons testified: Shetica Lockhart, and Lee Ishee.

Lee Ishee is employed by MDOC as a Correctional Officer II at the South Mississippi Correctional Institution("SCMI") in Leakesville. On August 6, 2012, Ishee was suspended from duty without pay for three work days for insubordination. Specifically Ishee was suspended because he "was asked by Correctional Supervisor Shetica Lockhart to work over due to a staffing shortage. Officer Ishee refused to work over." On August 16, 2012, Ishee appealed his suspension to the Mississippi Employee Appeals Board.

The following witnesses testified: Shetica Lockhart and Lee Ishee.

This Tribunal finds as follows: For the month of May 2012, Ishee had been placed on the Warden's list to work extra shifts, if necessary. On May 28, 2012, Ishee worked his regular shift, the second shift at SMCI, from 4:00 p.m. to 10:00 p.m. Lt. Shetica Lockhart testified credibly that on May 28, 2012 she was the watch commander for the third shift, from 11:00 p.m. to 7:00 a.m. Lockhart reported to work on May 28, 2012, and realized that she would not have enough officers reporting that night to cover the third shift. Lockhart called Ishee, while he was still at work, to ask him to work the third shift and Ishee

refused.

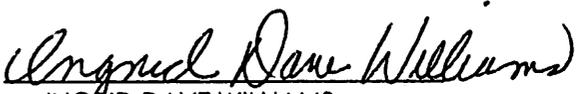
Insubordination is a Group Two offense and the Mississippi State Personnel Board Rules provide that, "Group Two offenses may be disciplined by written reprimand and/or suspension without pay not to exceed five (5) working days."

The Mississippi Employee Appeals Board Rules provide 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." Lee Ishee did not prove that the reasons for his suspension were not true, nor did he prove that they were insufficient grounds for a three-day suspension

For the foregoing reasons MDOC's decision to suspend Lee Ishee for three-work days is affirmed.

SO ORDERED THIS THE 21st DAY OF December 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: 
INGRID DAVE WILLIAMS
Hearing Officer