



STATE EMPLOYEES' APPEALS COMMISSION

Eric J. Holcomb, Governor
Gabriel Paul, Director and Chief ALJ

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MINUTES OF THE REGULAR MEETING OF THE STATE EMPLOYEES' APPEALS COMMISSION DECEMBER 8, 2020

The regular meeting of the State Employees' Appeals Commission was held on December 8, 2020, at 10:00 A.M. EST, remotely via Microsoft Teams due to the COVID-19 pandemic. The Chief Administrative Law Judge, Judge Paul, called the Commission to order at 10:00A.M. EST. The following five Commissioners were present, and constituted a quorum.

COMMISSIONERS PRESENT:

Frank Sullivan, Jr.
B. Curtis Wilkinson
Tom Hanahan
Barbara Trathen
Veronica Schilb

1. A brief welcome was given to newly appointed Commissioners Trathen and Schilb.
2. The first order of business was to elect the Commission Chair. Commissioner Wilkinson moved to elect Commissioner Sullivan. Commissioner Trathen seconded the motion. Commissioner Sullivan was elected Commission Chair by a 5-0 vote.
3. The Commission considered the minutes from the June 17, 2020, meeting. Commissioner Wilkinson moved for the minutes to be approved and Commissioner Schilb seconded. The Commission approved the minutes as written by a 5-0 vote.
4. The Commission noted twenty-two (22) new Civil Service System complaints filed since the last meeting. The new Civil Service complaints were listed in the Commission's agenda as follows:
 1. Carol Flanagan v. IDOR, 06-20-038
 2. Mydung Nguyen v. FSSA, 06-20-039
 3. Haley Fowler v. DCS, 07-20-040
 4. James Barker v. PVCF-DOC, 07-20-041
 5. Jake Kieninger v. MCF-DOC, 07-20-042
 6. Brock Turney v. PCF-DOC, 07-20-043
 7. Jayson Bryant v. INDOT, 08-20-044
 8. Scott Kelley v. PCF-DOC, 08-20-045
 9. Richard Criss v. PCF-DOC, 09-20-046

10. Danielle Brown v. ISP-DOC, 09-20-047
11. Gary Nelson v. INDOT, 09-20-048
12. Fannie Brown v. PJCF-DOC, 10-20-049
13. Jennifer Steinsdoerfer v. DCS, 10-20-050
14. Keith Wilson v. ISP-DOC, 10-20-051
15. Bradley Graves v. IGC, 10-20-052
16. Chaslyn Ruddick v. DCS, 10-20-053
17. Linda Sharp v. LSH-FSSA, 11-20-054
18. Shafonda Lewis v. DCS, 11-20-055
19. Bradley Holt v. MCF-DOC, 11-20-056
20. Gary Bernard v. PCF-DOC, 11-20-057
21. Jesse Blanton v. DCS, 11-20-058
22. Grephen Latif v. IPSC, 11-20-059

5. Commissioner Trathen moved to have the cases assigned to the Chief ALJ for further assignment. The motion was seconded by Commissioner Wilkinson and approved by a 4-0 vote.
6. The case of Benchik v. FSSA, SEAC Cause No. 11-18-078, was heard by oral argument on Petitioner's timely objection and Respondent's response. The Chief ALJ published the "Findings of Fact, Conclusions of Law, and Non-Final Order" on September 30, 2020, for the aforementioned case, which provided judgment for the Respondent after an evidentiary hearing. Petitioner Benchik appeared by counsel, Ms. Carla Pyle. Respondent appeared by counsel, Mr. Matt Brown. Both parties provided oral argument. Following public deliberation, the Commission AFFIRMED the decision of the assigned ALJ by a vote of 5-0 and adopted the Non-Final Order (NFO) of the ALJ as the Final Order in this matter with the following modification. The NFO read: "Therefore, the ALJ finds that Petitioner's working test ended on June 2, 2018, after which time he was a fully classified employee." The Commission modified that sentence at the meeting to read: "Therefore, the ALJ finds that Petitioner's working test ended on June 2, 2018, after which he had rights under Ind. Code §4-15-2.2-42(f)." Upon reviewing the language following the meeting, the Commission agreed that it had intended for this sentence to read: "Therefore, the ALJ finds that Petitioner's working test ended on June 2, 2018, after which time he could be dismissed only for just cause."
7. A discussion was then held concerning the next Commission meeting date. It was proposed by the Chief ALJ that the next meeting be held early Spring. April 27, 2021 at 10:00 A.M. was set as the next Commission date.
8. Seeing no further new business, Chair Sullivan closed the meeting at 11:33 AM with the next meeting set for April 27, 2021, at 10 A.M. in Conference Center, Room TBD.

Frank Sullivan

Chair
State Employees' Appeals Commission

Date: April 28, 2021