



## 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  
November 12, 2019

The regular meeting of the State Employees' Appeals Commission was held on November 12, 2019, at 9:00 A.M. EST, in the Indiana Government Center South, Conference Center Room 1, 302 West Washington Street, Indianapolis, Indiana 46204. The Chair, Jonathan Mayes, called the Commission to order at 9:24 A.M. EST. The following three Commissioners were present, and constituted a quorum.

**COMMISSIONERS PRESENT:**

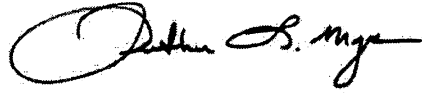
Jonathan Mayes, Chair  
Cynthia Springer  
Frank Sullivan, Jr.

1. The Commission considered the minutes from the April 30, 2019, meeting. Commissioner Sullivan moved for the minutes to be approved and Commissioner Springer seconded. The Commission approved the minutes as written by a 3-0 vote.
2. The Commission noted twenty-five (25) new Civil Service System complaints filed since the last meeting. The new Civil Service complaints were listed in the Commission's public agenda as follows:
  1. Kelly Taliaferro v. DCS, 04-19-031
  2. Courtney Scott v. DOR, 04-19-032
  3. Nicole Nabinger v. DCS, 04-19-033
  4. Crystal Abbot v. DOC, 05-19-034
  5. Cheri Slover v. DCS, 05-19-035
  6. Sean O'Neal v. WCF-DOC, 05-19-036
  7. Rebecca Rankin v. DCS, 05-19-037
  8. Frederick Jeffrey v. WVCF-DOC, 06-19-038
  9. Eunice Berry v. WCF-DOC, 06-19-039
  10. Bernard Pollard v. DCS, 06-19-040
  11. Rebecca Dowden v. SPD, 07-19-041
  12. Lori Barkas v. MCF-DOC, 07-19-043
  13. Donna Kemp v. DCS, 07-19-043
  14. Dawn Shoulders v. DCS, 08-19-044
  15. Barbara Havard v. WCF-DOC, 08-19-045
  16. Richard Sterling v. MCF-DOC, 08-19-046
  17. Danny Tucker v. MCF-DOC, 08-19-047
  18. Jason Williams v. INDOT, 09-19-048

19. Cecelia Smith v. DCS, 09-19-049
  20. Patricia Mosley v. DCS, 09-19-050
  21. Jeremy Dykstra v. ISP-DOC, 09-19-051
  22. Kelsey Whitaker v. DCS, 09-19-052
  23. Laurie Johnson v. IWP-DOC, 09-19-053
  24. Whitney Williams v. DCS, 10-19-054
  25. Doris Hanaway v. DCS, 10-19-055
3. Commissioner Sullivan moved to have the cases assigned to the Chief ALJ for further assignment. The motion was seconded by Commissioner Springer and approved by a 3-0 vote.
  4. The Commission reviewed the metrics for the first three quarters of 2019. The Commission had no comments on the topic.
  5. A discussion was then held concerning the 2020 Commission meeting dates. Chairman Mayes asked whether any cases will be ripe for oral argument around March 2020. The ALJ answered that he would be issuing his Non-Final Order in a case soon, and expects there to be oral argument in the matter. The Commission set April 14, 2020, at 10:00 A.M. as the next standard meeting.
  6. The case of Marshall v. DOC, SEAC Cause No. 01-17-002, 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 11, 2019, for the aforementioned case, which provided judgment for the Respondent after an evidentiary hearing. Petitioner Marshall appeared by counsel, Ms. Jamie Maddox. Respondent DOC appeared by counsel, Mr. David Fleischhacker. Both parties provided oral argument, after which the Commissioners publically deliberated. Chair Mayes suggested that the Parties provide additional briefing on the res judicata of Judge Robert L. Miller, Jr.'s October 18, 2019, order in Petitioner's contemporaneous federal case, which granted Respondent's Motion for Summary Judgment ("Order").<sup>1</sup> Commissioner Sullivan moved that the Commission order supplemental briefing from the parties regarding the collateral estoppel effect of the Order. The motion passed 2-1, with Chair Mayes voting yay and Commissioner Springer voting nay. The Parties' briefs are due on December 13, 2019, after which the Commissioners will determine if oral argument on the matter is necessary or if a special meeting of the Commission to publically deliberate on the briefs will be sufficient to make a final decision.
  7. Seeing no further new business, Commissioner Sullivan moved to close the meeting. Commissioner Springer seconded. Chair Mayes closed the meeting at 10:07 AM with the next meeting set for April 14, 2020, at 10 A.M. in Conference Center, Room 1.

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<sup>1</sup> *Marshall v. Indiana*, No. 2:18-CV-261 RLM-MJD, 2019 U.S. Dist. LEXIS 178333 (S.D. Ind. Oct. 18, 2019).



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Jonathan Mayes, Chair  
State Employees' Appeals Commission

Date: June 18, 2020