

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2021-070**

CHRISTOPHER ALSIP

APPELLANT

**VS. FINAL ORDER
SUSTAINING HEARING OFFICER'S
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

FINANCE AND ADMINISTRATION CABINET

and

BOONE COUNTY PROPERTY VALUATION ADMINISTRATOR

APPELLEES

***** ****

The Board, at its regular April 2022 meeting, having considered the record, including the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer dated March 16, 2022, and being duly advised,

IT IS HEREBY ORDERED that the Findings of Fact, Conclusions of Law and Recommended Order of the Hearing Officer are approved, adopted, and incorporated herein by reference as a part of this Order, and the Appellant's appeal is therefore **DISMISSED**.

The parties shall take notice that this Order may be appealed to the Franklin Circuit Court in accordance with KRS 13B.140 and KRS 18A.100.

SO ORDERED this 13th day of April, 2022.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:
Christopher Alsip
Hon. Robert Long
Hon. Gwen C. Vice
Hon. Rosemary Holbrook (Personnel Cabinet)
Stacy Perry

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2021-070**

CHRISTOPHER ALSIP

APPELLANT

**FINDINGS OF FACT, CONCLUSIONS OF LAW,
AND RECOMMENDED ORDER**

FINANCE AND ADMINISTRATION CABINET

and

**BOONE COUNTY PROPERTY VALUATION
ADMINISTRATOR**

APPELLEES

**** * * * * *

This matter came on for a pre-hearing conference on November 4, 2021, at 10:30 a.m. EDT, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before Hearing Officer Mark A. Sipek. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Christopher Alsip, was present and was not represented by legal counsel. The Appellee, Finance and Administration Cabinet, was present and represented by the Hon. Robert R. Long. The Appellee, Boone County Property Valuation Administrator, was present and was represented by the Hon. Gwen C. Vice.

The purposes of the pre-hearing conference were to determine the specific penalization alleged by the Appellant, to determine the specific section of KRS 18A which authorizes this appeal, to determine the relief sought by the Appellant, to define the issues, to address any other matters relating to this appeal, and to discuss the option of mediation.

FINDINGS OF FACT

1. The Appellant filed his appeal with the Personnel Board on May 24, 2021, appealing his dismissal. The Appellant stated on his appeal form as follows:

I am a part time employee required to work 80 hrs/mth. I sent an email around 0600 stating that I was on the calendar to work, but I wouldn't be in because it was my anniversary and was going to celebrate with my wife. I am not on a fixed schedule. My only stipulation is that I work 80 hrs a month. I received a text asking me to call Cindy Arlinghes. I was then told my services were no longer needed (sic).

The Appellant stated he wished to be reinstated to his previous position.

2. The Appellees filed a Joint Motion to Dismiss. The Appellant was given the opportunity to respond, however, he failed to do so.

3. The Appellant was separated from his unclassified part-time employment with the Boone County Property Valuation Administrator's Office on May 20, 2021. He was not given any reason for his separation, which was without cause.

4. On his appeal form and at the pre-hearing conference, the Appellant did not allege any form of protected class discrimination. The Appellant did not allege that he was dismissed for any illegal reason.

5. There are no disputed issues of material fact, and this appeal can be decided as a matter of law based on the appeal form, the statements of the parties at the pre-hearing conference, and the Appellees' Joint Motion to Dismiss.

CONCLUSIONS OF LAW

1. As an employee with the Boone County Property Valuation Administrator's Office, the Appellant was an unclassified state employee. KRS 132.370(1).

2. The Appellant was dismissed without cause. As an unclassified employee dismissed without cause, the Appellant could file an appeal to the Personnel Board, if he alleged protected class discrimination or some illegal reason for his dismissal. KRS 18A.095(12) and (14)(a), and *Martin v. Corrections Cabinet of Commonwealth*, 822 S.W.2d. 858 (Ky. 1991). 1991 WL 269776.

3. Because the Appellant did not allege any form of illegal discrimination or any other illegal reason for his termination, the Personnel Board lacks jurisdiction to hear his appeal.

4. There are no disputed issues of material fact, and this appeal can be decided as a matter of law based on the appeal form, statement of the parties at the pre-hearing conference, and the Appellees' Motion to Dismiss. KRS 13B.090(2) and KRS 18A.095(18)(a).

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the appeal of **CHRISTOPHER ALSIP V. FINANCE AND ADMINISTRATION CABINET and BOONE COUNTY PROPERTY VALUATION ADMINISTRATOR (APPEAL NO. 2021-070)** be **DISMISSED**.

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this

Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. See *Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

Any document filed with the Personnel Board shall be served on the opposing party.

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

ISSUED at the direction of **Hearing Officer Mark A. Sipek**, this 16 day of March, 2021.

KENTUCKY PERSONNEL BOARD


MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. Robert R. Long
Hon. Gwen C. Vice
Christopher Alsip
Hon. Rosemary Holbrook (Personnel Board)