

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2024-113

JACOB DUVALL

APPELLANT

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

JUSTICE AND PUBLIC SAFETY CABINET,
DEPARTMENT OF CORRECTIONS

APPELLEE

*** *** *** *** ***

The Board, at its regular November 2025 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated October 8, 2025, 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 21st day of November, 2025.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

Copies hereof this day emailed and mailed to:

Jacob Duvall, Appellant
Hon. Edward Baylous, counsel for Appellee
Hon. Rosemary Holbrook (Personnel Cabinet)
Rodney Moore

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This matter came on for evidentiary hearing on June 17, 2025, at 9:30 a.m. ET at 1025 Capital Center Drive Suite 105, Frankfort Kentucky before the Hon. Brenda D. Perry, Hearing Officer, with a second day of hearing being held by agreement on June 24, 2025, at 12:00 noon via Zoom. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Jacob Duvall, was present at the evidentiary hearing and was not represented by counsel. The Appellee, Cabinet for Health and Family Services, was present and was represented by the Hon. Peter Dooley. The Hon. Edward Baylous is now counsel of record in this matter.

The issues before the Hearing Officer were a) whether the Appellee complied with KRS 18A.095 and 101 KAR 1:345 when dismissing the Appellant for cause; and b) whether the penalty imposed upon the Appellant was excessive or erroneous. The Appellee had the burden of proof, which was by a preponderance of the evidence.

BACKGROUND

1. The Appellant, Jacob Duvall, timely filed the appeal of his termination with the Personnel Board on July 30, 2024.

2. On the day of the hearing, each party made an opening statement, and the Appellee called the Appellant as its first witness. After being sworn, the **Appellant, Jacob Duvall**, testified that he was twenty-two (22) years old and he was formerly employed as a Correctional Officer ("CO") at the Green River Correctional Complex ("GRCC"). He identified **Appellee's Exhibit 1**, the Notice of Intent to Dismiss letter, and it was entered into the record. He acknowledged that after receiving this Notice, and in accordance with the letter, he was afforded the opportunity to meet with the agency's appointing authority, Warden Lane, and he did so. He identified

Appellee's Exhibit 2, the Termination Letter, and it was entered into the record. The Appellant identified **Appellee's Exhibit 3** as the Appeal Form that he filed with the Kentucky Personnel Board and it was entered into the record. He testified that, on the Appeal Form, he admitted that he mistakenly allowed one inmate to enter the cell of another inmate, a policy violation that formed the basis for his termination. He opined that, while he did allow the inmate into the cell, this could have been prevented if correctional leadership had resolved issues with the "Bed Book" and his position was that the policy violation warranted discipline less than his termination.

3. The Appellant identified **Appellee's Exhibit 4**, Green River Correctional Complex Policies and Procedure, GRCC 03-03-01, General Guidelines for GRCC Employees. He stated that he probably received that policy. The witness identified **Appellee's Exhibit 5** as a sheet entitled "Orientation Program for New Institutional Staff" dated May 1, 2024, with the Appellant's name handwritten at the top. He acknowledged that his initials were next to each of the portions of the policies for which he was trained on that date, including the policy on Post Orders. He testified that, upon his hiring, he went to the Corrections Academy, then received an additional forty (40) hours of training.

4. The Appellant stated that, around July 1, 2024, he was serving as a Correctional Officer Relief, but prior to that he had a permanent post. He testified that as a relief, he was at a different post at the facility each day depending on where they needed him to be assigned to provide relief. He stated that Post Orders are posted each day and he normally reviewed them. On this day, he was assigned to Dorm 1. He stated there were three (3) shifts and while he normally would have started his shift at midnight, he actually started at 8:00 p.m. the day before, due to low staffing. He testified that, because of the long shift, he was very tired on the day of the incident.

5. He testified that, at 5:30 a.m., he opened the yard to allow the inmates to go to breakfast and they returned about twenty (20) minutes later. He stated that normally when the inmates begin to return, there are a few different ways to admit them back into their cells. One way was to use the panel to open the specific door. Another way was to utilize the "key card" to open the door. Before allowing inmates to enter a cell, he stated that an officer has the ability to call "Comms" to verify the identity of an inmate, or the officer can check the "Bed Book" to verify inmate identity. He stated that the "Bed Book" is a book with the inmates' pictures and their assigned cell numbers. He stated that, as the inmates were returning to the dorm from breakfast, an inmate requested a medical slip and, as the Appellant began to obtain the requested document, the inmate pointed to a second inmate and said, "He needs to get in." The second inmate identified the cell he needed to enter, and the Appellant pushed the corresponding button on the panel that remotely opened the cell door and allowed the inmate to enter.

6. The Appellant testified that, moments later, he heard a loud commotion and went to the cell to find an inmate lying injured on the floor. When asked what occurred, the injured

inmate stated that he fell out of his bunk. At this point, the Appellant testified that he realized that the injured inmate was in his own cell, and that it was this cell that he had opened for another inmate. The Appellant testified that the inmate he had allowed entry was not only not assigned to that cell but was not even assigned to that dorm. The Appellant identified **Appellee's Exhibit 6** as Green River Correctional Complex Post Order ("PO") 18 and it was entered into the record without objection. He read into the record the portion that detailed inmate entry into cells:

Page 2, Section 11, provides:

11. Inmates shall not congregate in or around cells, walkways, stairwells, exits or officer's desk.
 - A. Inmates shall only enter the cells they are assigned.
 - B. Assigned personnel shall not allow an inmate to enter a cell he is locked out of until it could be confirmed that the inmate lives in that cell.
 - C. Inmates shall not stand in the doorway of the cell to talk with another inmate.
 - D. When an inmate reports that his key is lost, his cell shall be taken off inmate access and opened only by the dorm control panel. Assigned personnel shall verify inmates assigned to cell prior to opening. The Dorm Officer shall complete a key request form and forward to the Unit Supervisor.

See Appellee's Exhibit 6, Page 2, Paragraph 11. The Appellant admitted that he did not abide by this policy on July 1, 2024.

7. The next witness to testify was **Byron Masden**. After being sworn, Masden testified that he is currently the Deputy Warden of Security at the Green River Correctional Complex. He stated that in July of 2024, he was the Correctional Major. He stated that all correctional facilities have general Post Orders and specific Post Orders. He stated that Post Order 18, Dorm Officers, describes the process for allowing entry of inmates into cells. He stated that the CO is to compare the inmate's face with the ID the inmate has in the Bed Book. He stated that COs should always confirm the identity of an inmate before allowing entry into a cell because the security of the inmates was their responsibility and allowing the wrong inmate in can lead to sexual activity, gang activity, assault or injury.

8. Masden stated that all new hires get on-the-job training on how to let inmates into cells. He confirmed there is a written Bed Book and a separate picture ID Bed Book and that, every time an inmate transfers, the books must be updated. On cross examination, Masden was asked how the Bed Book was to be updated. He said that an officer should always request the Bed

Book from the captain's office and, if they are unable to produce it, that the request and failure to produce should be recorded in the logbook to show that the officer had requested it. He stated that the unit administrator should print out a new Bed Book, daily.

9. The next witness called was **Rodney Moore**. After being sworn, Moore testified that he is the Human Resource Director of the Justice and Public Safety Cabinet, and his duties and responsibilities are to review and recommend discipline for consistency. He identified Appellee's Exhibit 2 and noted it contained the specific policy violation at issue with the Appellant. He said that he agreed with the warden that termination was the appropriate discipline to be imposed. Based on his experience he confirmed that, while the Cabinet generally follows a progressive discipline approach, a singular incident can be significant enough to warrant termination. In this case, he says that the injury to the inmate warranted the Appellant's termination since the security of the inmates was the Appellant's primary responsibility.

10. The Appellee then moved to allow the warden to testify on the second day of the hearing since he was unavailable. The motion was **GRANTED**.

11. The Appellant then called his first witness, **Cameron Cobb**. After being sworn, Cobb stated he was formerly a CO at GRCC. He testified that the training that is provided at the facility is not adequate. Due to the high level of turnover at GRCC, new officers are trained by officers who have only been employed for eight (8) months and are barely off probation themselves. He noted that he had been working for about six (6) months before he learned about the Bed Book. He found that they were routinely outdated. He testified that he had asked a supervisor for an updated Bed Book on one (1) particular occasion and the supervisor stated that the administration did not want him wasting paper. He said that hindered the employees from performing their jobs properly. On cross examination, Cobb testified that, at some point in his employment, he learned that an officer can call the control center to check the identity of an inmate before granting that inmate entry into a cell if a Bed Book was not present or was present but outdated.

12. The next witness to testify by Zoom was **Liggett Morris**. Morris testified that he was formerly employed with the Cabinet, most recently as a correctional officer. He stated that he went to work for the Cabinet the first time in 1990, then retired as an administrator and returned as a CO in August of 2022 and that he has been dismissed but is appealing his termination. He testified that the Bed Books were not updated, and it was a longstanding problem. He also stated that discipline is not consistent and he believed discipline, short of termination, would have been more appropriate for the Appellant. On cross-examination, Morris testified that an officer could call the control center to verify the identity of an inmate before allowing entry, but sometimes that is not possible depending upon what is occurring at that time.

13. The next witness to testify on behalf of the Appellant was **Mike Sears**, who testified by Zoom. He testified that he is a Records Specialist at GRCC and has worked since 2002. He left to go to Probation and Parole in 2022 and then returned to Corrections in 2024. He stated that the Bed Books were notoriously out-of-date. He further stated that there is a handwritten one and one with photos. He testified that, when an officer is serving as a relief, they do not have the benefit of personal knowledge of who the inmates are, which makes it more difficult to identify them.

14. The Appellant, **Jacob Duvall**, then took the stand as the last witness for his case-in-chief. He said that mistakes are human nature, and he did make a mistake in not checking the Bed Book on this occasion and that resulted in an inmate getting injured. He testified that the fact that the Bed Books were rarely updated caused him to not look at it on this occasion. He further stated that this job as a Correctional Officer was the best job he had, and he had planned to make a career of it. He said he felt the discipline was not administered fairly and other individuals who had a policy violation were not terminated. The Appellant testified that this was his first policy violation, and that he deserved a punishment less than discharge, even if it were a 30-day suspension.

15. The Appellant rested.

16. The hearing adjourned for the day and reconvened on August 24, 2025, at 12:00 p.m. ET by Zoom for the Appellee's final witness to be taken out of order. The final witness for the Appellee was **Warden Tim Lane**. After being sworn, Lane testified he has been employed by the Department of Corrections for thirty (30) years. As the warden, he stated he oversees all programs, security and operations for the nine hundred eighty-two (982) inmate facility. He said that he has the final say in disciplinary matters. He testified that the incident with the Appellant was investigated by Internal Affairs, after which he provided the Appellant with a Notice of Intent to Dismiss and that he had a pre-termination hearing at the Appellant's request. The Warden confirmed that the correctional officers are expected to read the post orders every day for guidance. He testified that a Dorm Officer should take steps to ensure they are allowing the right inmate into the right cell, and that would be by visual recognition and knowledge of the inmate's assigned cell number, or utilizing the inmate's identification card and checking the Bed Book. He stated that the Appellant's failure to do so was a very serious policy violation and an inmate was severely injured as a result. He testified that it was such a serious incident that termination was appropriate and that he cannot recall a time that he did not terminate an employee for this offense.

17. On cross-examination, Warden Lane testified that he had no knowledge of any issues with the Bed Books being outdated. He said that an officer who encountered an out-of-date Bed Book should request an updated one from the shift supervisor. He further stated that an officer should not allow an inmate into a cell until he reviews the Bed Book and confirms the identify and

cell assignment, because the consequences for not doing so are serious. The Warden acknowledged staffing shortages and that GRCC does have relatively new officers who, just off their six-month probationary period, have been providing on-the-job training to newly hired correctional officers. He testified that, nonetheless, he is confident that the officers are well trained.

18. The Appellee rested. Each party made a closing statement. The Hearing Officer has considered the entire administrative record.

FINDINGS OF FACT

1. The Appellant, Jacob Duvall was a Correctional Officer employed by the Green River Correctional Complex. (Testimony of Appellant.)

2. Upon hiring, the Appellant attended a five-week Academy, and then had forty (40) hours of on-the-job training. (Testimony of Appellant.)

3. As a part of his training, the Appellant was trained on a number of polices including General Post Orders. (Testimony of Appellant, Appellee's Exhibit 5.)

4. GRCC 03-01-01, General Guidelines for GRCC Employees, contains a number of provisions that guide the employees on standards of conduct, including the following:

IPP 03-01-01, B2, **WORK HABITS**, states, "Each employee shall be responsible for developing and maintaining good work habits."

IPP 03-01-01, L, **PROHIBITED ACTIVITIES AND CONDUCT**, states:

- i. "Failure to properly perform the duties of your position."
- l. "Engaging in any other activity which shall be deemed detrimental to the proper performance of your duties as an employee of the Department of Corrections and GRCC or which comes into conflict with attainment of goals in the mission of the department and GRCC."

(Appellee's Exhibit 4.)

5. GRCC Post Order 18, relating to inmate cell entry, provides in relevant part,

Purpose: The primary responsibility of assigned personnel is the security and control of inmates through observation and direct supervision. Dorm assigned personnel shall control, monitor, and observe inmate movements in the living area.

- A. Inmates shall only enter the cells they are assigned.
- B. Assigned personnel shall not allow an inmate to enter a cell he is locked out of until it could be confirmed that the inmate lives in that cell.

(Appellee's Exhibit 6.)

6. There were several available methods for officers to confirm the identify and cell assignment of an inmate before allowing entry:

- a. Utilizing the Bed Book with photos and cell assignments.
- b. Utilizing the Bed Book with names and cell assignments and comparing that with the identification card produced by the inmate; or
- c. Utilizing the inmate's identification card and calling the control center to verify the inmate's cell assignment.

(Testimony of Byron Masden, Testimony of Appellant.)

7. In July 2024, after serving as an officer for thirteen months, the Appellant was assigned to work as a relief dorm officer where he would be assigned to various dormitories depending upon the need. (Testimony of Appellant.)

8. On July 1, 2024, while working in Dorm 1, as inmates were returning from breakfast, an inmate requested that the Appellant allow him entry into a specific cell. (Testimony of Appellant.)

9. The Appellant did not check the Bed Book, the inmate's identification or call the Control Center, but pushed the button on the panel and remotely opened the requested cell, allowing the inmate to enter.

10. A few moments after allowing the inmate entry into the cell, there was a loud commotion and the Appellant went to the cell and found another inmate, who was the inmate actually assigned to the cell he had just opened, severely injured and requiring transportation to a hospital by ambulance.

11. The Appellant later discovered that the inmate he had allowed to enter the cell was not only not assigned to that cell, but was not even assigned to that dorm.

12. On July 25, 2024, the Appellant was given a Notice of Intent to Dismiss for unsatisfactory performance of duties. The letter cited the statute, regulation and policy violations at issue, recounted the incident and afforded the Appellant a pre-termination hearing before the appointing authority, Warden Timothy Lane.

13. The Appellant had a pre-termination hearing and, by letter of July 26, 2024, he was dismissed for (among other policy violations), violation of General Post Orders and Post Order 18, Purpose, Section A and Section B, and GRCC 03-01-01, Sections B2 and L, i and j.

14. During the Hearing, the Appellant admitted that he let the inmate into the cell without checking his identity or cell assignment but cited, as a mitigating factor, his position that the Bed Books were constantly out of date, making them inherently unreliable. He contends that a suspension of as much as thirty (30) days would have been more appropriate.

15. While the Hearing Officer finds the Appellant credible as it pertains to the Bed Books being outdated, the Appellant nonetheless should have abided by the policy and used the Bed Book present or an alternative method to verify the inmate's assigned cell and identity. In this case, because the Appellant failed to abide by the existing policy, an inmate who should have been safe in his own locked cell was severely injured by an inmate that the Appellant erroneously allowed into that cell.

CONCLUSIONS OF LAW

1. KRS 18A.095 provides:

- (1) A classified employee with status shall not be dismissed, demoted, suspended without pay, or involuntarily transferred except for cause.
- (2) Prior to dismissal, a classified employee with status shall be notified in writing of the intent to dismiss him or her. The notice shall also state:
 - (a) The specific reasons for dismissal including:
 1. The statutory, regulatory, or policy violation;
 2. The specific action or activity on which the intent to dismiss is based
 3. The date and place of such action or activity; and
 4. The names of the parties involved;

(b) That the employee has the right to appear personally, or with counsel if he or she has retained counsel, to reply to the appointing authority or his or her designee; and. . .

2. Consistent with the above statute, the Appellee issued the Appellant Notice of Intent to Dismiss (Appellee's Exhibit 1) on July 25, 2024.

3. The Notice of Intent to Dismiss outlined in detail the Appellant's conduct and the policies violated on July 1, 2024, resulting in the severe injury of an inmate requiring transport to a hospital by ambulance.

4. After the pretermination hearing, the Appellant was dismissed by letter of July 26, 2024 and the termination was effective July 27, 2024. (See Appellee's Exhibit 2)

5. The Appellant admitted to violation of the policy but contends a suspension would have been appropriate, under the circumstances. The Appellee contends the policy violation was so significant it warranted only termination, as is normally the case. As to the issue of whether the dismissal of the Appellant was excessive or erroneous, the safety and security of the inmates at the Green River Correctional Complex is one of the most important responsibilities of the officers assigned. While the Appellant raised concerns with the quality of his training, and the Bed Books being outdated, he admitted that by the time the incident occurred, he knew of the Bed Book, how to use it and that he could call the control center to verify an inmate's identity and cell assignment if he needed to do so. Checking the Bed Book or utilizing one of the other approved methods of verifying an inmate's identity and cell assignment is a momentary, but critically important task for a dorm officer with the potential of life-or-death consequences. In this case, an inmate was severely injured by another inmate, with the Appellant's misconduct playing a key role in allowing the injuries to occur.

6. The Hearing Officer concludes that the Department of Corrections, has met its burden of proof that the termination of the Appellant, Jacob Duval, complied with the requirements of 101 KAR 1:345 and KRS 18A.095, was for just cause and was neither excessive nor erroneous.

RECOMMENDED ORDER

The Hearing Officer recommends to the Personnel Board that the case of **JACOB DUVALL V. JUSTICE AND PUBLIC SAFETY CABINET, DEPARTMENT OF CORRECTIONS (APPEAL NO. 2024-113) 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 exception that are filed by the other party within fifteen (15) 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 the 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).

The parties are strongly encouraged to send any exceptions and/or requests for oral argument by email to: PersonnelBoard@ky.gov.

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 Brenda D. Perry** this 8th day of October, 2025.

KENTUCKY PERSONNEL BOARD


HON. GORDON A. ROWE, JR.
EXECUTIVE DIRECTOR

A copy this day emailed and mailed to:

Hon. Edward Baylous, Counsel for the Appellee
Jacob Duvall, the Appellant
Hon. Rosemary Holbrook, Personnel Cabinet