

**COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2020-036**

KATELYN GOODLETT

APPELLANT

VS.

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

CABINET FOR HEALTH AND FAMILY SERVICES

APPELLEE

** ** * * *

This matter came on for a pre-hearing conference on September 30, 2020, at 11:00 a.m. EDT, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Stafford Easterling, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Katelyn Goodlett, was present by telephone and was not represented by legal counsel. The Agency/Appellee, Cabinet for Health and Family Services, was present and represented by the Hon. Jenna Davis, who also appeared by telephone.

The purposes of the pre-hearing conference were to determine the specific penalization(s) alleged by the Appellant, the specific section of KRS Chapter 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.

BACKGROUND

1. The Hearing Officer notes this appeal was filed with the Personnel Board on February 5, 2020. On the appeal form, the Appellant, a classified employee without status, indicated she was appealing her probationary dismissal without advancing a claim of discrimination or other penalization. The Appellant further explained her claims in the narrative portion of the appeal form wherein she states, in pertinent part:

I did not get proper guidance throughout my time at the Cabinet. I was always told by third parties in the office about my performance. I was two weeks away from being off probation and my supervisor asked people to write statements about me, but did not ask everyone in my office, which I do not believe is fair. I never got the chance to speak for myself only learned my job was in jeopardy from a coworker. I did staffing every month, but was not given specific expectations of my job duties by my supervisor. I was isolated harassed I'd like to explain more.

2. Following discussion, the Agency requested an opportunity to file a dispositive motion as to the Appellant's claims. The parties then agreed on a briefing schedule.

3. The Appellee submitted its Motion to Dismiss. The Appellant, although given an opportunity to respond has failed to do so. This appeal is submitted to Hearing Officer Mark A. Sipek for a ruling on the Motion to Dismiss.

FINDINGS OF FACT

1. The Appellant, Katelyn Goodlett, was employed as a Social Service Worker I with the Cabinet for Health and Family Services.

2. The Appellant was dismissed without cause while serving her initial probationary period.

3. The January 28, 2020 dismissal letter informed the Appellant that she could file an appeal based on a claim of discrimination within thirty (30) days.

4. The Appellant filed an appeal on February 3, 2020, challenging her dismissal. The Appellant did not allege discrimination, but simply stated that she believed her dismissal was unfair and that she did not receive proper supervision. At her pre-hearing conference, the Appellant specifically stated she was not claiming any type of discrimination.

CONCLUSIONS OF LAW

1. As a classified employee serving her initial probationary period, the Appellant could be dismissed without cause. KRS 18A.111. The Appellant can only appeal her dismissal by claiming discrimination pursuant to KRS 18A.095(12) and (14)(a).
2. Based on the Findings of Fact, the Appellant has not made any claim of illegal discrimination, and the Personnel Board has no jurisdiction to hear her appeal.
3. There are no material issues of fact and this appeal can be decided as a matter of law based on the appeal form, the statement of the parties at the pre-hearing conference, and the Appellee's Motion to Dismiss. KRS 18A.095(18)(a) and KRS 13B.090(2)

RECOMMENDED ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Hearing Officer recommends to the Kentucky Personnel Board that the appeal of **KATELYN GOODLETT VS. CABINET FOR HEALTH AND FAMILY SERVICES (APPEAL NO. 2020-036)** 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).

[Hearing Officer Note: Any document filed with the Personnel Board shall also 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 7th day of September, 2021.

KENTUCKY PERSONNEL BOARD



**MARK A. SIPEK
EXECUTIVE DIRECTOR**

A copy hereof this day mailed to:

Hon. Jenna Davis

Katelyn Goodlett

Hon. Rosemary Holbrook (Personnel Cabinet)