

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2025-069

LORI HUMBERT

APPELLANT

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

KENTUCKY DEPARTMENT OF VETERANS AFFAIRS

APPELLEE

*** * * * * *

The Board, at its regular October 2025 meeting, having considered the record, including the Findings of Fact, Conclusions of Law, and Recommended Order of the Hearing Officer dated August 27, 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 14th day of October, 2025.

KENTUCKY PERSONNEL BOARD



GORDON A. ROWE, JR., SECRETARY

Copies hereof this day emailed and mailed to:

Lori Humbert, Appellant
Hon. Lily Patteson, counsel for Appellee
Hon. Rosemary Holbrook (Personnel Cabinet)
John Ostroske

**COMMONWEALTH OF KENTUCKY
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**V. FINDINGS OF FACT, CONCLUSIONS OF LAW,
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APPELLEE

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

This matter came on for a pre-hearing conference on August 20, 2025, at 1:00 p.m., ET, at 1025 Capital Center Drive, Suite 105, Frankfort, Kentucky, before the Hon. Erritt H. Griggs, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Lori Humbert, was present by telephone and was not represented by legal counsel. The Appellee, Department of Veterans Affairs, was present and represented by the Hon. Lily Patteson.

The purposes of the pre-hearing conference were to discuss a) dispositive motions; b) the Personnel Board's jurisdiction in this matter; and c) next steps in the appeal.

BACKGROUND AND FINDINGS OF FACT

1. The Appellant's employment with the Kentucky Department of Veterans Affairs commenced on or about December 1, 2024. *See* Appellee's Motion to Dismiss, page one, second paragraph and Appellant's Response to Appellee's Motion to Dismiss, page one paragraph one.

2. The Cabinet separated the Appellant from her position of Social Worker Program Supervisor, effective May 9, 2025, while she was serving her initial probationary period. *See* Appeal Form attachment, Letter from Cabinet Appointing Authority Martha Workman, dated May 8, 2025.

3. The Hearing Officer notes that the Appellant filed her appeal with the Personnel Board on May 12, 2025, appealing from her probationary dismissal by letter dated May 8, 2025, citing KRS 18A.111 as the basis of its authority to dismiss.

4. Both in her Appeal Form and in her Response to the Appellee's Motion to Dismiss, the Appellant acknowledged that she was on probation at the time of her dismissal.



5. The Appellant did not identify discrimination in her Appeal Form, nor has she advanced any claim based on protected class discrimination.

6. Prior to the initial pre-hearing conference in this appeal, on June 11, 2025, counsel for the Appellee filed a Motion to Dismiss on the issue of Personnel Board's jurisdiction to hear and rule upon this appeal.

7. By Interim Order dated July 7, 2025, the Appellant was given up to and including August 8, 2025, to file her Response to the Appellee's Motion to Dismiss. The Appellee was provided up to and including August 19, 2025, to file its Reply to the Appellee's Response to the Motion to Dismiss.

8. The Appellant timely filed her Response to the Appellee's Motion to Dismiss but failed to timely serve the Appellee with her Response.

9. Upon learning of the filing of Appellant's Response, the Appellee's counsel filed its Reply to the Appellant's Response on August 20, 2025.

10. There are no genuine issues of material fact, and this matter 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 Appellee's Motion to Dismiss.

FINDINGS OF FACT

1. During the relevant times, the Appellant was in her initial probationary period with the KDVA pursuant to KRS 18A.111(1) and 101 KAR 1:325, Section 1.

2. The Hearing Officer finds that the Appellant was a classified employee separated from her position prior to the end of her initial probationary period.

3. The Appellant timely filed her appeal; however, the Hearing Officer finds that the Appellant has not made any claim of protected class discrimination. No discrimination claim was made during the pre-hearing conferences nor made in any other filings with the Personnel Board.

4. The Hearing Officer finds that the Personnel Board does not have jurisdiction to hear and rule upon the substance of an appeal where the appellant does not have a regulatory statutorily granted right to challenge the employment action.

CONCLUSIONS OF LAW

1. Pursuant to KRS 18A.111(1) the Appellant was dismissed during her initial probationary period.

2. The Appellant is advancing no claims of protected class discrimination in this appeal. KRS 18A.111(1) expressly limits the right of a probationary employee to appeal their



separation: "An employee may be separated from his position ...during this initial probationary period and shall not have a right to appeal, except as provided by KRS 18A.095."

3. The Hearing Officer concludes as a matter of law that the Personnel Board lacks jurisdiction to further consider this appeal, as the Appellant has not properly invoked the jurisdiction of the Personnel Board, nor made any cognizable claim under KRS 18A.

4. Because there are no issues of material fact and the Board lacks jurisdiction to hear this matter, this appeal can be dismissed as a matter of law based on the Appeal Form, the statements of the parties at the pre-hearing conference, and the Appellee's Motion to Dismiss. KRS 18A.095(8)(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 **LORI HUMBERT V. KENTUCKY DEPARTMENT OF VETERANS AFFAIRS (APPEAL NO. 2025-069)** 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 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 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).

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.



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SO ORDERED at the direction of the Hearing Officer this 27th day of August, 2025.

KENTUCKY PERSONNEL BOARD



ERRITT H. GRIGGS

GENERAL COUNSEL

A copy hereof this day emailed and mailed to:

Lori Humbert, Appellant
Hon. Lily Patteson, Counsel for Appellee
Hon. Rosemary Holbrook (Personnel Cabinet)