



COMMONWEALTH OF KENTUCKY  
PERSONNEL BOARD  
APPEAL NO. 2014-158

DEANA L. TINCHER

APPELLANT

VS.                      FINDINGS OF FACT, CONCLUSIONS OF LAW  
AND RECOMMENDED ORDER

CABINET FOR HEALTH AND FAMILY SERVICES,  
J. P. HAMM, APPOINTING AUTHORITY

APPELLEE

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This matter came on for an evidentiary hearing on February 24, 2015, at 9:30 a.m., at 28 Fountain Place, Frankfort, Kentucky, before the Hon. Colleen Beach, Hearing Officer. The proceedings were recorded by audio/video equipment and were authorized by virtue of KRS Chapter 18A.

The Appellant, Deana L. Tinchler, was present, and was represented by the Hon. Paul Fauri. The Appellee, Cabinet for Health and Family Services, was present and represented by the Hon. Mary S. Tansey.

**BACKGROUND**

1. Appellant Deana Tinchler was a classified employee with status, who was employed as a Case Management Specialist I in the Department for Community-Based Services (DCBS), Northern Bluegrass Service Region.

2. By letter from Howard J. Klein, an Appointing Authority for the Cabinet for Health and Family Services (CHFS), dated June 26, 2014, Appellant was informed of her dismissal. Said letter is attached hereto and incorporated herein as **Recommended Order Attachment 1**.

3. Appellant timely filed Appeal No. 2014-158 on July 9, 2014.

4. The Cabinet called its first witness. **Galen Linville** is currently employed as a Human Resources Specialist III in the Human Resources department of the Labor Cabinet. Prior to assuming that position, he had been a Human Resource Administrator with the Cabinet for Health and Family Services (CHFS), a position he held for seven years. In the latter capacity, Linville investigated and prepared recommendations regarding various disciplinary actions of

CHFS employees. Linville was the investigator assigned to look into the allegations that were the grounds for Appellant's dismissal.

5. Linville stated that he drafted Appellant's dismissal letter, dated June 26, 2014. The grounds for her dismissal are summarized as follows: Providing false information in KAMES (Kentucky Automated Management System) regarding Client 1; providing false information during a pre-termination hearing; contacting a client during an investigation; and poor work performance.

6. A pre-termination hearing was held on May 15, 2014. Appellant was asked to explain what transpired with Client 1. She stated that on January 15, 2014, "Program 43" (a program Family Support offices use to verify unemployment benefits eligibility) was not working. Consequently, she called a "One Stop Shop" to determine Client 1's eligibility. In her original KAMES entry regarding Client 1, Appellant stated that she had talked to a "Steve" in the One Stop Shop. (Linville stated that a "One Stop Shop" is a place where an individual can apply for Unemployment Insurance Benefits (UIB), and participate in other programs, such as employment services.)

7. Linville contacted the Office of Employment and Training in the Workforce Development division of the Education Cabinet to see what offices were considered "One Stop." His investigation revealed that these offices cannot release information over the phone regarding an individual's eligibility for UIB. He also could not locate any employee named "Steve."

8. Linville also contacted the Commonwealth Office of Technology (COT) to inquire if Program 43 had been down on January 15, 2014. It was reported to him that Program 43 was fully operational on that day.

9. On May 22, 2014, Linville also spoke to Client 1, who did not recall Appellant making a phone call during their meeting. Client 1 told Linville that Appellant checked Client 1's UIB eligibility on her computer, and then told her that she was eligible for those benefits.

10. One hour after Linville spoke to Client 1, Client 1 called Linville back to inform him that Appellant had just called her to relate that someone from the Cabinet would be contacting her, since she (Appellant) was under investigation. Appellant also asked Client 1 if she remembered who Appellant had spoken to at the "UIB office."

11. Based on the information garnered from the pre-termination hearing, and Linville's conversations with Client 1 on May 22, 2014, the decision was made to rescind the original Intent to Dismiss letter, dated April 23, 2014 (Appellee's Exhibit 6), and issue a revised one on June 6, 2014 (Appellee's Exhibit 2).

12. Through Linville's testimony, Appellant's prior disciplinary actions and Performance Improvement Plans were introduced into the record. Appellant received a written reprimand in 2007 for working overtime without prior approval from her supervisor (Appellee's Exhibit 8). Appellant received a written reprimand in 2008 for not properly documenting voting leave (Appellee's Exhibit 9). Appellant was first placed on a Performance Improvement Plan by her supervisor, Heidi Haurahan, for review period 4/01/01 through 07/31/11. Specific improvement areas were identified as "payment error rate and 'other' error rate – documentation and KWP documentation." (Sic) (Appellee's Exhibit 22). This PIP was extended due to Appellant's failure to satisfactorily address the documented areas of improvement (Appellee's Exhibit 23). A third PIP was implemented by Deseriee Sparrow on September 25, 2013 (Appellee's Exhibit 24). Linville explained that a "PIP" is a "documented conversation between an employee and her supervisor regarding how to improve job performance."

13. On cross-examination, Linville was asked to recall the conversation he had with Appellant during his investigation into the allegations that were the subject matter of Appellant's dismissal. Linville state that Appellant "vaguely" mentioned the problems she was having with her supervisor, and he did recall Appellant saying that her caseload was "excessive." As for contacting the One Stop Shop, Linville stated that Appellant admitted at the pre-termination hearing that she had made an error regarding the name of the person she spoke to.

14. Linville was asked if he had ever looked at Appellant's evaluations. He answered that he had "casually glanced at them." He stated that he did recall a "downward trend" in her performance scores. Through Linville's testimony the following performance evaluations were introduced into the record:

2009	Score: 460 (Outstanding)	Supervisor: Taffy Taylor
2010	Score: 464 (Outstanding)	Supervisor: Taffy Taylor/Heidi Haurahan
2011	Score: 461 (Outstanding)	Supervisor: Heidi Haurahan
2012	Score: 320 (Good)	Supervisor: Deseriee Sparrow

15. On re-direct, Linville stated that if an employee is falsifying records, her evaluations cannot save her from termination.

16. **Paula Sullivan** is a Family Support Supervisor for Nicholas, Pendleton and Harrison Counties. She supervises Family Support Specialists who administer SNAP (food stamps), and Medicaid programs.

17. Sullivan stated that Appellant works in the Harrison County office four days per week, and in Pendleton County one day per week. Sullivan added that she did not supervise Appellant, but they were occasionally in the same office at the same time. Sullivan has been acquainted with Appellant since 2006.

18. Sullivan was asked to describe what kind of equipment Appellant used. Sullivan answered that Appellant had a laptop "because she traveled." Appellant also had her own scanner in the Harrison County office, but not in Pendleton.

19. When Appellant was in the Pendleton office, Sullivan's own scanner was available to Appellant if Sullivan wasn't in the office. Sullivan stated that other methods of scanning were available to Appellant, such as scanning on the copier.

20. As for having a "second screen" or monitor, Appellant had one in Harrison County and could travel with her second monitor to Pendleton if she so desired, Sullivan stated.

21. Sullivan was asked to address the issue of "computer speed." She stated that slow computer speed has been a problem in every county, and while she is aware that there have been some issues with that in the Pendleton County office, she doesn't think it is much different from any other county.

22. **Deseriee Sparrow** is a Field Services Supervisor. She supervises eight Case Managers who administer the Kentucky Temporary Assistance Program (K-TAP), the Kentucky Works Program and the Kinship program. Sparrow's job duties include completing case reviews, disseminating policy, and ensuring that Cabinet policy is followed. Sparrow performs two case reviews with each of her staff on a monthly basis. Case Managers typically have fewer cases than front-line workers, but have "more in-depth contact with clients."

23. Sparrow was appointed to her position to give the Kentucky Works Program more attention. There are 12 counties in her region, and some of the more rural counties do not have enough support for this program, which is complicated, Sparrow stated.

24. Sparrow stated that a "117 review" is the Cabinet's quality assurance piece, used as a learning tool for the Case Managers to help them reduce future errors.

25. The case of Client 1 was chosen for a 117 review. This case involved a K-TAP application, and the determination of the client's eligibility for UIB. Sparrow explained that unemployment insurance benefits are a statutory benefit. One of the rules of K-TAP is that clients must first apply for any statutory benefits before they can receive K-TAP.

26. Sparrow stated that because Client 1 had been employed, the first thing that Appellant should have done was check "Program 43" to see if Client 1 was eligible for UIB. If Client 1 was eligible, but had not applied, Appellant should have directed her to apply for UIB, then bring back verification. This would not have stopped the K-TAP process.

27. Through Sparrow's testimony, the following exhibits were introduced: Appellee's Exhibit 11, Client 1's application for K-TAP, and Appellee's Exhibit 12, the KAMES

entry Appellant made on February 25, 2014. In that entry, Appellant wrote: "CL has applied for UIB she is potentially elig worker contacted one stop and Steve ver that she had applied xxx-xx92." (Sic) Sparrow testified that Case Managers are not supposed to contact the One Stop Shop; a review of Program 43 would tell the worker the necessary information. This concerned Sparrow because she checked Program 43 herself and saw that Client 1 had not applied for benefits in many years.

28. Sparrow then called the number Appellant documented in KAMES, and it turned out to be the Housing Authority. Sparrow e-mailed Appellant asking for clarification regarding Client 1's case. Appellant responded that she had written down the wrong number and gave Sparrow a new one. That number was for a private residence. Sparrow brought this mistake to Appellant's attention, and Appellant responded: "It is xxx-xx25 I called and Judy answered and she stated that the client would need to apply through Florence, I am going to pend the case, I tried calling the client and her number does work." (sic). (Appellee's Exhibit 16).

29. Sparrow asked for clarification again, specifically for Appellant to identify who "Steve" is. Appellant answered: "No Judy is a worker at One Stop, I am sorry Des I did not get Steve's name but if she would have been eligible I would have been more than glad to have her apply for the benefit, and I sure would have been ok with entering the income. Please don't think I would approve the case knowing that she was eligible that would be crazy on my part." (sic). (Appellee's Exhibit 16).

30. Sparrow then called "Judy" at the number provided by Appellant. It was the number of the Kentucky Career Center. Sparrow was informed that no employee named Steve worked in any of their offices. Sparrow e-mailed her supervisor, Christina Niemeyer, this information, concluding: "This appears to be a clear case of employee fraud. At time of application the client was potentially eligible for UIB yet Deana [Appellant] did not require her to apply but instead entered a false name and phone number in comments. As you can see in the confusing e-mail thread below she attempted to cover up the error yesterday." (sic). (Appellee's Exhibit 16).

31. Through Sparrow's testimony, Appellee's Exhibit 17, an e-mail to Galen Linville, was introduced. This e-mail informed Linville that the Pendleton County Supervisor, Tanya Gayheart, confirmed that her workers (including Appellant) do not have a list of community phone numbers. Attached to the e-mail was a document confirming that Client 1 applied for UIB on March 11, 2014.

32. Appellant received two Performance Improvement Plans in 2011 for "Payment Error rate" and "other error rate – documentation and KWP documentation." A third PIP was put in place after Sparrow had completed Appellant's 2nd Interim Review in August 2013. Sparrow noted that Appellant "was still having a really hard time with accuracy." This PIP identified the following areas for improvement: "Accuracy of applications, recertifications, and case changes

processed, interpreting and applying policy. 117's not being connected and returned within the timeframes given. KWP Caseload List not annotated and returned by the due date." Sparrow and Appellant met on November 5, 2013, to review her progress, and Sparrow counseled her that two of the four identified areas continued to be problematic. Sparrow and Appellant met again on December 20, 2013, and Sparrow informed Appellant that she could not end the PIP because "accuracy and interpreting/applying policy" continued to be an issue.

33. Sparrow introduced Appellee's Exhibit 25, which was Appellant's third Interim Review meeting documentation (for the period of 9/1/2013 to 12/31/2013). Sparrow noted in this evaluation that while Appellant's "timeliness" and "participation rates" were excellent, her SNAP (food stamps) error rate was 9.1 percent, but is required by policy to be below 5 percent. Her "other error" rate was 27.3 percent, but should have been less than 10 percent. Appellant's IM (K-TAP and Kinship care) error rate was 80 percent, but should have been less than 10 percent. Sparrow summarized: "I had Case Managers with much less experience who were doing a better job than her in accuracy."

34. During the period of time from September 12, 2013, until February 13, 2014, Sparrow documented 31 instances of performance concerns, which can be summarized as follows:

- A. September 12, 2013: Proper procedure was not followed when Client 2's K-TAP benefits were discontinued (Appellee's Exhibit 28).
- B. September 16, 2013: Case review of Client 3's K-TAP case revealed two errors: FA-1 not scanned, and client's classroom hours were miscalculated (Appellee's Exhibit 29).
- C. September 16, 2013: Case review of Client 4's K-TAP case revealed four errors: incorrect code, KIM-101 form not in client's ECF, failure to document explanation of Rights and Responsibilities to client; and client was placed in substance abuse component in error (Appellee's Exhibit 30).
- D. September 16, 2013: Case review of Client 5's K-TAP case revealed information in comments did not match entry in KAMES (Appellee's Exhibit 31).
- E. September 16, 2013: Case review of Client 4's SNAP case revealed a coding error (Appellee's Exhibit 32).
- F. September 25, 2013: Sparrow discovered Appellant had handled Client 6's "U exemption" (for having a child under the age of 1) improperly (Appellee's Exhibit 33).

- G. September 25, 2013: Sparrow discovered Appellant had discontinued, rather than re-certified, Client 7's case in error (Appellee's Exhibit 34).
- H. September 30, 2013: A case review by Sparrow revealed Appellant had incorrectly answered two questions relating to Client 8's eligibility for SNAP benefits (Appellee's Exhibit 35).
- I. October 22, 2013: In a case review completed by Case Management Specialist III Tonya Gayheart, she noted that of 35 cases she reviewed with Appellant, 16 required correction (Appellee's Exhibit 36).
- J. October 24, 2013: In a case review by Sparrow, she found Appellant had made 5 errors on Client 9's Kinship Care case (Appellee's Exhibit 37).
- K. November 4, 2013: Sparrow discovered Appellant had made multiple errors in inputting information into KAMES regarding Client 10 (Appellee's Exhibit 38).
- L. November 4, 2013: A case review conducted by Sparrow revealed Appellant made two documentation errors in regard to Client 11's case, and also failed to query Program 43 to determine Client 11's eligibility for UIB (Appellee's Exhibits 39, 48 and 49).
- M. November 4, 2013: In a case review by Sparrow, she noted that Appellant made three errors in Client 12's K-TAP case (Appellee's Exhibit 40).
- N. November 15, 2013: CMS III Gayheart performed a case review with Appellant. Gayheart noted Appellant still exhibited problems with processing cases correctly (Appellee's Exhibit 41).
- O. November 22, 2013: Sparrow discovered Appellant had incorrectly handled Client 13's case in regard to the client's needed community service bonus, and that Appellant had failed to change client's "highest grade completed" code, which resulted in a delay of the client's education bonus (Appellee's Exhibit 42).
- P. December 3, 2013: Appellant made an error when she approved Client 14's K-TAP application (Appellee's Exhibit 43).
- Q. December 14, 2013: A case review by Sparrow revealed Appellant made two errors in regards to Client 14's SNAP case (Appellee's Exhibit 44).
- R. December 17, 2013: In a case review by Sparrow, she discovered Appellant had indicated the wrong date for Clients 16's SSI "update" (Appellee's Exhibit 45).



- S. December 20, 2013: Sparrow spent a full working day reviewing Appellant's 35 cases in Harrison County. She found numerous "error trends" in Appellant's cases (Appellee's Exhibit 46).
- T. January 2, 2014: Appellant incorrectly counted child support when calculating Client 11's K-TAP eligibility and failed to enter a referral within one day of approval (Appellee Exhibits 47 and 48).
- U. January 3, 2014: Sparrow's further review of Client 11's case revealed that Appellant had removed the specified relative incorrectly, and made an error on the tracking screen for the K-TAP supplement (Appellee's Exhibit 48).
- V. January 13, 2014: In a case review by Sparrow, she discovered Appellant had made two errors on Client 17's SNAP case, specifically, she failed to enter Client 17's verification of termination, and did not pend the case for verification of no income (Appellee's Exhibit 49).
- W. January 13, 2014: In a case review by Sparrow, she noted that Appellant had made two errors in Client 18's case: failed to verify lack of income and failed to provide documentation of excluded income (Appellee's Exhibit 50).
- X. January 30, 2014: Sparrow discovered Appellant had failed to follow Cabinet procedure regarding Client 19's "U exemption" (for caring for a child under the age of one year old) (Appellee's Exhibit 51).
- Y. January 31, 2014: Sparrow discovered Appellant had incorrectly added a SEE code for Client 20 (to indicate employment). As of 5/3/13, SEE codes are never to be entered by the worker. About a week later, Sparrow asked Appellant why she had input a "SEE" code for Client 20. Appellant referred to an e-mail dated December 7, 2012, six months prior to the May 3, 2013 policy clarification (Appellee's Exhibit 52).
- Z. February 10, 2014: Appellant sent an e-mail to Sparrow regarding Client 22 and accidentally also sent it to Maysville Community Technical College (MCTC). (Appellee's Exhibit 53.)
- AA. February 13, 2014: Appellant invalidated pending documents in the ECF for Client 21 in error, and the Work Incentive reimbursement (WIN) was not made as it should have been (Appellee's Exhibit 54).

35. Through Sparrow's testimony, Appellant's DCBS training record since 1997 was introduced into the record (Appellee's Exhibit 55).

36. In addition to her formal training, Sparrow stated that there was an informal training component to every staff meeting, which is held every other month. Regional meetings, held four times a year, also provided an opportunity for Case Managers to have policy questions answered.

37. As for Appellant's caseload, Sparrow testified that according to the "2012 Applications" document that tallied workers' total caseload, Appellant's number of cases that year was 77. Of the ten workers tracked that year, Appellant's caseload was the third lowest. (The highest number was 116.) In 2013, Appellant's caseload, 259, was the second lowest. (The lowest caseload belonged to Tanya Gayheart, who was a "Principal." Her caseload was kept at 164 due to the additional responsibilities she carries.) The highest 2013 caseload was 467. (Appellee's Exhibit 56).

38. On cross-examination, Sparrow was asked to explain the complexity of benefits applications. She explained that a K-TAP application is more involved than a SNAP application, but a Kinship Care application is basically equivalent to K-TAP. A K-TAP with Kentucky Works component is the most complex. The majority of cases that Case Managers handle are K-TAP applications.

39. Referring back to Client 1, Sparrow stated that she was eligible for K-TAP, but part of a client's technical eligibility is that the client had to apply for UIB. As of January 15, 2014, Client 1 had not applied, and so Appellant had incorrectly approved the application. Client 1 did not, in fact, apply for UIB until sometime in March 2014.

40. In the KAMES computer screen, Appellant had entered "CC" for "collateral contact." Sparrow stated she should not have documented a "source" for that. "You don't make a phone call to see if a client has applied," Sparrow testified, "you only look at Program 43."

41. Sparrow stated that, in her estimation, an "error" can be something like a typo or inputting the wrong code. Sparrow added, "I continued to see Deana [Appellant] making repetitive errors. You don't have to be perfect, but I am looking for better than an 80 percent error rate. What I saw was how she rushed through everything."

42. As for Appellant's "participation rate" (i.e., facilitating a client's engagement in approved work or study activities), Appellant's was very high. Sparrow added, "Lots of clients in Harrison County take advantage of Maysville Community and Technical College."

43. By agreement of the parties, **C.R.** (identified as "Client 1") testified by telephone. **C.R.** stated that on January 15, 2014, she filed a K-TAP application in the Falmouth DCBS office. Appellant was the worker assigned to her case.

44. **C.R.** testified that Appellant looked at her computer screen and informed **C.R.** that she was eligible for Unemployment Insurance benefits. **C.R.** denied that she told Appellant she had already applied for UIB. **C.R.** did not recall Appellant making any telephone calls during their conversation.

45. Appellant directed **C.R.** to apply for UIB and then let her know if her application for benefits was accepted or denied. Their meeting on January 15, 2014, took place late in the day and the UIB office was getting ready to close. Appellant told **C.R.** "to apply later."

46. **C.R.** stated that she did apply for UIB, but it was some time after her intake meeting with Appellant, and she could not recall the exact date.

47. After applying for UIB, **C.R.** returned to the Falmouth DCBS office and spoke to Appellant, who told **C.R.** that she [Appellant] did not have **C.R.**'s case anymore and that "she was in a lot of trouble" because of **C.R.**'s case.

48. Approximately ten months later, Appellant called **C.R.** Appellant told her that someone would be calling her. She told **C.R.** that she was in a lot of trouble, and could possibly lose her license or face jail time. She asked **C.R.** if she could remember who she spoke to on the phone the day of their initial meeting. "She seemed like she was trying to remember herself," **C.R.** stated. **C.R.** reiterated that Appellant had made no phone calls while she was with her that day.

49. **C.R.** was not sure how Appellant had gotten her new number because it was unlisted. **C.R.** called Galen Linville to inform him that Appellant had called her.

50. On cross-examination, **C.R.** clarified that Appellant had, at the January 15, 2014 meeting, directed **C.R.** to go to the Falmouth UIB office that same day to get a piece of paper documenting that she had been there, and then, because it was late in the day, to apply for UIB at a later date. **C.R.** brought the paper documenting her visit to the UIB office back to Appellant that afternoon. Appellant explained to **C.R.** that she needed the documentation in order for Appellant to begin processing her K-TAP application.

51. **C.R.** did receive K-TAP benefits for a "couple of months." Her UIB application was denied.

52. By Agreement of the parties, Appellant called her next witness out of order. **Angela Plummer** was employed as a Case Manager in the Bourbon County DCBS Family

Support office, a position she held for over 12 years. She retired from that position in March 2014.

53. Plummer stated that in February 2012, Deseriee Sparrow became her supervisor. Plummer's prior supervisor had been Suzie Craycraft. When Sparrow took over Craycraft's supervisory position, Plummer usually communicated with Sparrow in case reviews or through e-mail or by phone calls.

54. During her case reviews with Sparrow, Plummer did receive "117s" (Quality Assurance Implementations). Plummer regarded the 117s as a learning tool – to learn how to correct her mistakes. She estimated that, depending on the error, it would take her approximately three to five days to make the corrections Sparrow identified.

55. As for PIPs, Plummer estimated that in the 20 years she had worked for the Cabinet, she had received three or four, and all of them were received when she was under Sparrow's supervision. Plummer stated, "The PIPs were geared for when I kept making the same mistakes."

56. Regarding her evaluations, Plummer had received scores of "Good" under Sparrow's supervision, but had received higher scores under different evaluators.

57. On cross-examination, Plummer stated that she never received a disciplinary action from Sparrow and admitted that she learned a lot under her supervision. "She is very knowledgeable about policy," Plummer stated. Asked if Sparrow was a good supervisor, Plummer answered, "Yeah, she's tough, but she knows her stuff."

58. The Cabinet resumed the presentation of its case. **Tanya Gayheart** is a Regional Program Specialist with CHFS, a position she has held since October 2014. Prior to assuming that position, she was employed as a Case Manager Specialist III, and prior to that, she was a Principal. As a Principal, she managed her own caseload and was responsible for some "117" reviews, as well as assisting the Supervisor on an as-needed basis. During her tenure as Principal, Appellant was a Case Manager in her office; Gayheart performed some case reviews with her.

59. Gayheart introduced Appellee's Exhibit 36, a Memorandum Gayheart wrote on October 22, 2013, documenting the case review she did with Appellant. Gayheart noted that of Appellant's 35 cases, 16 of them required corrections. The majority of errors were caused by Appellant not updating her WEP/COM calculator. Gayheart noted in her memo that Appellant "needs to take her time and concentrate on the case she is working on."

60. Gayheart testified that when she had worked in other counties and did not have her scanner or two computer screens, it did not present a problem for her in completing her work.

61. Gayheart testified that she worked in the same Pendleton County office as Appellant from April or May of 2014 until July 2014. She stated that the "online systems" in that office were not slower than in other counties. When asked on cross-examination why she did not take her scanner with her, Gayheart replied, "I am not going to take state property from county to county."

62. When questioned by the Hearing Officer, Gayheart was asked to compare Appellant's error rate to the other Case Managers for whom Gayheart had performed case reviews. Gayheart answered, "No one is perfect. Eight errors, approximately, is in the normal range. [Appellant] had 16, which was high." The case review Gayheart did in October 2013 (Appellee's Exhibit 36) revealed errors she felt were "worse than other Case Managers in regard to severity and seriousness."

63. **Kendra Snider** is a Family Support Specialist. She has been employed by DCBS for the past 14 years. From May 2012 until July 2014, she was a Program Specialist for K-TAP in the Northern Bluegrass Region. In that capacity, her job responsibility was to monitor her region to ensure that policy and procedures were followed. She also performed 2nd level case reviews.

64. Snider performed a 2nd level case review of Appellant's cases on December 12, 2012 and June 14, 2013. In June 2013, Appellant had 43 cases, which Snider testified was not a high caseload, noting that when Snider had been a Case Manager, she carried 80 cases. In her June 14, 2013 review, Snider noted that Appellant had made approximately 14 errors.

65. **Lori Collins** is the Division Director in the Office of Employment Training (OET), Division of Workforce and Employment Services. Collins stated that, technically, there is no difference between a "One Stop Shop" and a "Career Center." The purpose of these offices is to provide the job seeker with multiple services in one location.

66. At any given Career Center, there may be a variety of employees working there: state merit personnel, employees from the Office of Vocational Rehabilitation, employees from the local adult education department, and employees from the local workforce development investment area office.

67. Pendleton County falls under the auspices of the Northern Kentucky Development District. The Falmouth office is run by the local Workforce Investment Area. No state merit employees work there. The staff in that office does not have access to the UIB database. Collins stated that only state merit employees can answer UIB questions.

68. Collins testified that there is no employee by the name of "Steve" at that office.

69. On cross-examination, Collins stated an individual can go to the Falmouth Career Center and apply for UIB. The staff there is not prohibited from helping someone navigate the UIB website.

70. Collins stated she did not have personal knowledge if Appellant called the Career Center on January 15, 2014.

71. **Jan Conry** is employed by NTT Data, who contracts with the Cabinet through its Office of Administrative Technological Services. Conry is a Systems Architect, and works on some of the Cabinet's databases such as KAMES, K-TAP and SNAP.

72. Conry was contacted by the Cabinet's Human Resources Management Office to inquire whether "Program 43" (the Unemployment Insurance Claims Determination program) had been operational on January 15, 2014.

73. Conry spoke to the Commonwealth Office of Technology and confirmed that the Program 43 database was allocated "available" on January 15, 2014, which meant that it was operational between the hours of 7:00 a.m. to 5:00 p.m.

74. Conry next looked at the report that captures access for Program 43. Conry explained that when a staff member types in their personal identification number, their access to the program is recorded. Conry introduced Appellee's Exhibit 20, which documented Appellant's use of Program 43 at 1:13 p.m. on January 15, 2014, to access information regarding Client 1.

75. By agreement of the parties, **Deseriee Sparrow** was recalled for cross-examination by Appellant.

76. Sparrow was asked to address Appellant's lack of a scanner in the Pendleton office, where she worked one day per week. Sparrow stated that the scanner supplied to Appellant needed to remain in her "home office" [Harrison County], and could not be taken with her to Pendleton County because "you are not supposed to take state equipment out of the office except for your laptop." Sparrow added that Appellant could have used Supervisor Paula Sullivan's scanner, or another scanner in the office. Sparrow explained that scanners are used to input documents into the computer system during the interview process.

77. Through Sparrow's testimony, Appellant's Exhibit 6 was introduced, which was comprised of four certificates of recognition for her KWP Participation Rate. Her participation rate was 61 percent for Pendleton County from October 2010 to September 2011; 53 percent for Harrison County from October 2010 to September 2011; 58 percent for Harrison County from October 2011 to September 2012; and 53 percent for Pendleton County from October 2011 to September 2012. Sparrow noted that 50 percent is the federal participation requirement, but

agreed that Appellant had an "excellent" participation rate, which Sparrow explained is a measure of a Case Manager's placement of clients in community service projects.

78. Through Sparrow's testimony, Appellant's Exhibit 7 was introduced, which was a note Sparrow wrote on February 23, 2010, when Sparrow was a Program Specialist, congratulating Appellant on her 2009 Participation Rate.

79. Sparrow testified that Appellant never had a problem with participation rates. Sparrow added, "The two issues with [Appellant's] performance were accuracy and processing cases correctly. These issues did not come to light until the end of 2012 or beginning of 2013 when she came to Scott County for five weeks. I reviewed her caseload there and found a large number of errors – mostly in regard to eligibility and interpreting and applying policy."

80. Sparrow stated that she could not release Appellant from the Performance Improvement Plan she placed her on September 25, 2013. She asked her supervisor, Cathy Neimeyer, "What is the next step?" After that, she came across the Client 1 case in a "normal case review." To Sparrow, "it seemed like a clear case of fraud and falsification."

81. Sparrow stated that she was never asked to make a recommendation regarding the proper level of discipline.

82. On re-direct, Sparrow stated that her current position as Field Services Supervisor was created so that she could ensure Case Managers knew policy and could apply it. "I was looking very closely at the Case Managers' cases, which prior supervisors hadn't done."

83. Appellant's evaluation for 2012, completed by Sparrow, was "Good." In the category of "Ensures quality of cases that are processed accurately, thoroughly documented, organized and complete," Appellant received a rating of "2" which is "Barely meets Expectations." (Appellant's Exhibit 5.) In her 2013 evaluation, completed by Sparrow, Appellant received a rating of "1" under that category which is "Fails to Meet Expectations." (Appellee's Exhibit 27).

84. Sparrow stated that Appellant made more errors than her co-workers. "She was my weakest Case Manager."

85. **Howard J. Klein** is the Cabinet's Division Director of the Division of Employee Management, and Appointing Authority. He stated that Appellant was terminated because she had made false entries in KAMES; she had made false statements at the pre-termination hearing; she had initiated contact with a witness, Client 1, after she was instructed not to, and she had exhibited poor work performance.

86. Klein stated that a charge of "poor work performance" would not have led to dismissal by itself, but a "falsification" charge would. Klein added that while Appellant's evaluations were "Outstanding," and later, "Good," evaluations are irrelevant when an employee has falsified information.

87. On cross-examination, Klein was asked if accidental errors would have led to dismissal. Klein answered that accidental errors would have been a performance issue, not a falsification. Klein described falsification as an "intentional act to deceive."

88. As for Appellant's violation of the order not to contact Client 1, Klein stated that this directive appeared in the April 23, 2014 letter which placed Appellant on Administrative Leave. The letter states: "Any unauthorized contact with staff or clients may be considered interference in the disciplinary process." (Appellee's Exhibit 5.) Klein added that when an employee contacts a client witness, "it makes it worse. It doesn't let the client be impartial." "This charge was an "inappropriate action," but would not have led to dismissal by itself," Klein stated.

89. At the end of Klein's testimony, the Cabinet rested its case.

90. **Appellant, Deana Tincher**, testified on her own behalf. Tincher started her career with the Cabinet in 1994 as a Family Support Specialist I, and was promoted up the ranks to Case Management Specialist I. Her duties in that capacity were to take applications for benefits eligibility; monitor and track clients involved in KWP (Kentucky Works Program) and assist them with any needed services such as housing or drug rehabilitation.

91. Appellant worked four days per week in the Harrison County office, and one day per week in Pendleton County. In Pendleton County, she only had a laptop, but no scanner or "second screen." If she needed to use a scanner in that office, she would have to wait until a worker was done with her own. As for using a copy machine as a scanner, Appellant stated "she had never heard of anyone doing that."

92. Appellant was asked to address the problem with re-certifications. She stated that she could schedule them herself in Harrison County, but in Pendleton, the "system schedules re-certifications randomly. Then I would have to reschedule them."

93. Appellant addressed Deseriee Sparrow in her role as Appellant's Supervisor: "She was very concerned about my caseloads. I asked her if I could take a demotion – I just thought I couldn't do the job she wanted me to. She responded that I didn't need to do that, she would help me. I was frustrated with myself because I had never had this before."

94. As for the charge in the dismissal letter regarding Client 1, Appellant explained that Client 1 had delivered a hard copy of her application on January 7, 2014. She came in to



meet with Appellant, face-to-face, on January 15, 2014 at 1:00 p.m. Client 1 told Appellant that she had been fired from her job, and had made an application for UIB. Client 1 did not specify the time frame of her UIB application. Appellant stated that she put the following narrative into KAMES, as it appears in Appellee's Exhibit 12: "C.L. [Client] has applied for UIB as she is potentially elig [eligible] worker contacted One Stop and Steve ver [verified] that she had applied xxx-xx92." (sic)

95. When questioned what phone number she put in the KAMES entry, Appellant answered that it was "Housing." When she tried to look up the One Stop number a second time, she wrote down the number of a private residence. Asked how she retrieved two wrong numbers, Appellant answered that she was "not sure," adding that she guessed she just accidentally wrote down two wrong numbers.

96. At her January 15, 2015 meeting with Client 1, Appellant had looked at "Program 43," but it showed nothing under Client 1's social security number. She then called "Steve" or "Greg" (she could not remember his name) to confirm Client 1's UIB application. "I went by the resource directly," she stated.

97. Later, Appellant spoke to "Judy" at One Stop, who told her Client 1 had to apply for UIB in Florence.

98. Appellant addressed the second charge in the dismissal letter, that she provided false and misleading information during the pre-termination hearing in making the statement that she "did call the One Stop office but got the guy's name wrong," and that "Program 43" was down.

99. Appellant testified that when she said it was "down," what she really meant was that she put Client 1's social security number in, but nothing showed up. She acknowledged that the program was working that day.

100. Appellant addressed the third charge in the dismissal letter, that is, that Appellant contacted a client despite being directed not to do so. Appellant explained that she and Client 1 had previously discussed how Client 1 did not want to get into trouble for living with her mother-in-law. Appellant testified she called Client 1 to tell her that the Cabinet was not investigating her, but Appellant herself. Appellant testified that during this phone call she asked Client 1 if she remembered Appellant placing a phone call during the January 15, 2014 meeting. Client 1 answered in the affirmative.

101. Appellant addressed the fourth charge in the dismissal letter, that she had unsatisfactory performance of duties as evidenced by her high error rates and failure to follow policy and procedure.

102. Appellant stated, "I'm not saying I didn't have errors. I did." "However," Appellant added, "many of these mistakes were due to a too-small laptop, the lack of a scanner, a ton of new systems," as well as her inclination to "go too fast."

103. As for falsifying information, Appellant denied that that was ever her intent. As for calling "Steve" and writing down incorrect phone numbers, Appellant testified: "To the best of my knowledge it wasn't false. I did make that phone call. I wrote down incorrect info, but that's all. Was Client 1 eligible for UIB? Yes, but it was denied."

104. On cross-examination, Appellant admitted that OTIS, the DCBS's new computer system came into effect in November 2012, a year before the allegations discussed in the dismissal letter.

107. KRS 18A.095(1) states:

A classified employee with status shall not be dismissed, demoted, suspended, or otherwise penalized except for cause.

108. 101 KAR 1:345, Section 1, states:

Appointing authorities may discipline employees for lack of good behavior or the unsatisfactory performance of duties.

### **FINDINGS OF FACT**

1. Appellant, Deana Tincher, was a classified employee with status employed by the Cabinet for Health and Family Services.

2. Appellant was employed as a Case Management Specialist I, in the Department for Community Based Services, Northern Bluegrass Service Region. She was dismissed from that position by letter dated June 26, 2014, under the signature of Howard J. Klein, Appointing Authority. The grounds for dismissal stated in the letter were Lack of Good Behavior (entering false information in official client records; providing intentionally deceptive statements to her supervisor; providing false and misleading information during the pre-termination hearing; initiating contact, against her supervisor's directive, with a client who was a material witness in this hearing), and Unsatisfactory Performance of Duties (high error rates and failure to follow policy and procedure). (Appellant's Exhibit 1.)

3. On February 24, 2014, Desiree Sparrow, Field Services Supervisor, and Appellant's first-line supervisor, conducted a "PAFS 117" review of Appellant's casework

regarding a client identified as Client 1. A "PAFS 117" review is used for quality assurance purposes and is a learning tool for case managers.

4. Client 1 had submitted her K-TAP application to the Falmouth DCBS office on January 7, 2014, and met with Appellant to discuss her application on January 15, 2014. Sparrow stated that in order to apply for K-TAP, the client must also apply for any "statutory" benefits available to her, such as unemployment insurance benefits (UIB). Because Client 1 had been recently employed, the first thing Appellant should have done, Sparrow testified, was check the "Program 43" database to see if Client 1 had applied for UIB. If Client 1 was eligible for UIB but had not applied, Appellant should have directed Client 1 to apply for the benefits, then bring back verification of application. Directing Client 1 to do this would not have stopped the K-TAP application process.

5. When reviewing Appellant's case documentation of Client 1, Sparrow was concerned by the entry Appellant made in KAMES (Kentucky Automated Management System) on February 25, 2014: "C.R. [Client 1] has applied for UIB as she is potentially elig worker Contacted One Stop and Steve ver that she had applied xxx-xx92." (sic) (Appellee's Exhibit 12.)

6. Lauri Collins, Division Director of the Office of Employment Training, Division of Workforce and Employment Services, testified that "One Stop" shops are also called "Career Centers." The purpose of these offices is to provide job seekers with multiple services in one location. The Falmouth office is run by local Workforce Investment area employees. No state merit employees work in this office, nor do they have access to the UIB database. However, job seekers can apply for UIB at this office, and staff in that office can help employees navigate the UIB website. According to Collins, there is no employee named "Steve" employed at this office.

7. Sparrow testified that Case Managers are not supposed to contact the One Stop shop: a review of Program 43 would have given the worker the necessary information. Sparrow looked at Program 43 and discovered that Client 1 had not applied for UIB benefits in many years.

8. Sparrow then contacted the number listed in the KAMES entry, but it was the number for the Housing Authority. Sparrow e-mailed Appellant asking for the correct number. Appellant e-mailed another number that turned out to be a private residence. Sparrow asked Appellant a third time for the correct number for the One Stop shop in Falmouth. Appellant answered: "It is xxx-xx25 I called and Judy answered and she stated the client would need to apply through Florence, I am going to pend the case, I tried calling the client and her number does not work." (sic) (Appellee's Exhibit 16.)

9. Sparrow asked Appellant what prompted her to call Judy after she stated in KAMES she had called Steve. Appellant answered that she did not get Steve's last name, and that she had just called Judy that day, which was the day of Sparrow's e-mail inquiry, February

24, 2014. The e-mail exchange between Appellant and Sparrow led Sparrow to conclude that Appellant had written a fraudulent comment in KAMES. She contacted her supervisor, Christina Niemeyer the next day, February 25, 2014, and informed her: "This appears to be a clear case of employee fraud. At the time of application the client was potentially eligible for UIB yet Deana did not require her to apply but instead entered a false name and phone number in comments. As you can see in the confusing email thread below she attempted to cover up the error yesterday..." (Appellee's Exhibit 16.)

10. Client 1 testified that during her application interview with Appellant on January 15, 2014, Appellant looked at a computer screen and informed Client 1 that she was eligible for UIB. Client 1 denied that she had ever told Appellant that she had already applied for the benefits. Client 1 did not recall Appellant making a phone call during their interview.

11. According to Client 1, Appellant told her to go to the Falmouth "UIB office" and get written documentation that she had been there. Since it was late in the work day, Appellant told Client 1 she could fill out the UIB application later, and then let her know if her application was accepted or denied. Client 1 testified that she did eventually apply for UIB, but it was not for some time after her meeting with Appellant on January 15, 2014. (Client 1 could not recall the exact date. Appellee's Exhibit 17 documented that Client 1 applied for UIB on March 11, 2014.)

12. The day Client 1 applied for UIB, March 11, 2014, she went to see Appellant in her Falmouth office. Appellant told her that she did not have Client 1's case anymore, and that "she was in a lot of trouble" because of Client 1's case.

13. Approximately ten months later, on May 21, 2014, Appellant called Client 1 and told her that someone from the Cabinet would be calling her. Client 1 testified that Appellant told her that "she [Appellant] was in a lot of trouble, could possibly lose her license and face jail time." She also asked Client 1 if she could remember who Appellant had called the day of their January 15, 2014 meeting. Client 1 informed Appellant that she did not recall her making any phone calls during their interview.

14. A pre-termination hearing was held on May 15, 2014. At this meeting Appellant was asked what had transpired with Client 1. Appellant stated that on the day of her interview with Client 1 (January 15, 2014), the "Program 43" database was "down", and she could not access it. However, Jan Conry, System Architect for the Office of Administrative Technological Services (contracted through NTT Data), testified that Program 43 was fully operational on January 15, 2014. She also introduced into the record documentation that Appellant had accessed information regarding Client 1 from Program 43 at 1:13 p.m. on January 15, 2014. (Appellee's Exhibit 20.)

15. Appellant received two Performance Improvement Plans in 2011 for “payment error rates and “other error rate and KWP documentation.” (Appellee’s Exhibits 22 and 23.) A third PIP was put into place after Sparrow completed Appellant’s Second Interim review in August 2013. This PIP identified the following areas for improvement: “Accuracy of applications, re-certifications, and case changes processed. Interpreting and applying policy. 117s not being corrected and returned within the timeframes given. KWP Caseload List not annotated and returned by the due date.” (Appellee’s Exhibit 24.)

16. Sparrow and Appellant met on November 5, 2013, to review her progress on her PIP. Sparrow informed Appellant that two of the four identified areas of improvement continued to be problematic. Sparrow and Appellant met again on December 20, 2013, and Sparrow informed Appellant that she could not close the PIP because “accuracy and interpreting/applying policy” continued to be an issue (Appellee’s Exhibit 24.)

17. In Appellant’s Third Interim Review (for the period 9/1/13 to 12/31/13), Sparrow noted in the evaluation that while Appellant’s “timeliness and participation rates” were excellent, her “accuracy” was poor. During this time frame her SNAP (food stamps) error rate was 9.1% (by policy it should not have been higher than 5%). Her “other error” rate was 27.3% (by policy it should not have been higher than 10%). Appellant’s “IM” (K-TAP and Kinship Care) error rate was 80% (by policy it should not have been higher than 10%). (Appellee’s Exhibit 25.)

18. As for how Appellant compared to other Case Managers, Sparrow testified: “I had case managers with much less experience who were doing a better job than [Appellant] in accuracy.”

19. During the period of time from September 12, 2013, until February 13, 2014, Sparrow documented thirty-one instances of performance concerns, discovered primarily through case reviews of Appellant’s caseload.

20. Sparrow testified that Appellant had the third lowest caseload (of the ten Case Managers) in 2012. In 2013, Appellant’s caseload was the second lowest. (The lowest caseload in 2013 belonged to Tonya Gayhart who was a “Principal”—a position that includes duties in addition to case management).

21. On October 22, 2013, Tonya Gayheart conducted a case review of Appellant’s Harrison County cases. Of Appellant’s 35 cases, Gayheart documented that 16 required corrections. Gayheart concluded that Appellant needed “to take her time and concentrate on the case that she is working on.”

22. When asked to compare Appellant’s error rate to other Case Managers, Gayheart testified that Appellant’s was higher than other Case Managers’. She stated that her case review

of Appellant's cases revealed errors she felt were "worse than other Case Managers in regard to severity and seriousness."

23. Gayheart testified that when she worked in other counties and did not have a scanner or second computer screen available to her, it did not prevent her from completing her work.

24. Appellant blamed her case management mistakes, in part, on not having a scanner or second computer screen when she worked one day per week in the Pendleton office. Desiree Sparrow and Tanya Gayheart, however, testified that this lack of equipment should not have affected her casework. It is also worth noting that during the other 4 days of the week, Appellant worked in Harrison County with both a scanner and second computer screen. But no evidence was presented at the evidentiary hearing that her work performance was better there (with the additional equipment) than it was in the Pendleton County office.

25. In her closing brief, Appellant correctly asserts that Jay Klein, Appointing Authority, testified that of the four allegations contained in the June 26, 2014 dismissal letter, the only one sufficient *by itself* to warrant dismissal was the allegation of "falsification," which is a violation of the Cabinet's Employee Conduct Policy, 2.1(II) (Appellee's Exhibit 58B.) On this issue, after weighing the credibility of the witnesses and the totality of the evidence presented at the evidentiary hearing, the Hearing Officer finds that the Appellee met its burden of proof to show that Appellant entered false information in official client records in KAMES and provided intentionally deceptive statements to her supervisor. Contrary to Appellant's KAMES entry regarding Client 1, the evidence showed that no "Steve" worked at the Falmouth One Stop Shop, nor would an employee in that office have access to the UIB database. Appellant's statements attempting to explain this entry were inconsistent and confusing, and the Hearing Officer rejects Appellant's explanation that she merely "wrote down incorrect information."

26. The Hearing Officer finds that Appellant's e-mail explanation of Client 1's KAMES entry to Sparrow (Appellee's Exhibit 16) was an unsuccessful attempt to defend the false entry.

27. The Hearing Officer finds that the Appellee met its burden of proof to show that Appellant provided false and misleading information during the pre-termination hearing. Appellant informed Galen Linville at the pre-termination hearing that Program 43 was "down," but the Office of Administrative Technological Services confirmed that it was fully operational that day, and in fact, Appellant had accessed it. The Hearing Officer rejects Appellant's testimony at the evidentiary hearing attempting to explain her statement to Linville as meaning "not that Program 43 was 'down', but that 'nothing showed up'" on the computer screen when she typed in Client 1's social security number.

28. The Hearing Officer finds that the Appellee met its burden of proof to show that Appellant initiated contact with Client 1 against the directive of the Appointing Authority.

29. The Hearing Officer finds that the Appellee met its burden of proof to show that Appellant had unsatisfactory performance of duties due to a high error rate and failure to follow policy and procedure. Appellant had exhibited a high error rate since at least the beginning of her first Performance Improvement Plan, which was put into place on September 30, 2011. (Appellee's Exhibit 22.) Appellant's supervisor, Deseriee Sparrow, and other staff in the office (Tonya Gayheart and Kendra Snider), had made numerous attempts to bring these errors to her attention and assist her in correcting them. Despite these efforts, however, Appellant's job performance did not improve.

30. While Appellant did receive a "Good" rating for her 2012 and 2013 evaluations, her supervisor, Deseriee Sparrow, put her on clear notice that the quality and accuracy of her casework were unacceptable. In her 2012 evaluation, Appellant received a rating of "2" (Barely meets expectations) under the expectation that she will "Ensure quality of cases that are processed accurately thoroughly documented, organized and complete." In her 2013 evaluation, she received a rating of "1" (Fails to Meet Expectations) in that category. She also received in the 2013 evaluation a rating of "1" under the expectation that "95% of assessments are completed and entered on STEP within established timeframes." (Appellant's Exhibit 5, Appellee's Exhibit 27).

31. The Hearing Officer finds that Appellant entered false information into KAMES, provided false information regarding the entry to both her supervisor and at the pre-termination hearing, contacted Client 1 against the directive of the Appointing Authority, and exhibited poor work performance.

32. The Hearing Officer finds that Appellant's dismissal was not excessive or erroneous, and was taken for just cause.

### **CONCLUSIONS OF LAW**

1. The decision of the Appellee to dismiss Appellant for entering false information into KAMES, providing false information regarding the entry to both her supervisor and at the pre-termination hearing, contacting Client 1 against the directive of the Appointing Authority, and for poor work performance has been proven by a preponderance of the evidence.

2. The decision of the Appellee to dismiss Appellant was neither excessive nor erroneous, and was taken for just cause.

**RECOMMENDED ORDER**

The Hearing Officer recommends to the Personnel Board that the appeal of **DEANA L. TINCHER V. CABINET FOR HEALTH AND FAMILY SERVICES, (APPEAL NO. 2014-158)** 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).

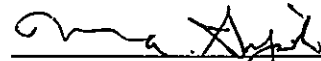
**Any document filed with the Personnel Board shall be served on the opposing party.**

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 Colleen Beach** this 9<sup>th</sup> day of July, 2015.

**KENTUCKY PERSONNEL BOARD**



**MARK A. SIPEK**  
**EXECUTIVE DIRECTOR**

A copy hereof this day mailed to:

Hon. Mary S. Tansey  
Hon. Paul F. Fauri





**CABINET FOR HEALTH AND FAMILY SERVICES  
OFFICE OF HUMAN RESOURCE MANAGEMENT**

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**Audrey Tayse Haynes**  
Secretary

June 26, 2014

Deana L. Tincher

Re: Return from Administrative Leave and Dismissal

Dear Ms. Tincher:

On June 6, 2014, your attorney was provided, via facsimile, written notice of the Appointing Authority's intent to dismiss you from your position with the Cabinet for Health and Family Services, and advised of your right to request a pre-termination hearing with the Appointing Authority or his designee. Further, confirmation was received by my office that these same documents were delivered to your home address on June 9, 2014. On June 16, 2014, our office received a request to schedule a pre-termination hearing which was scheduled for June 30, 2014, at 10:00 a.m. Eastern Standard Time. On June 25, 2014, your attorney provided a letter via facsimile stating you had elected to forego the pre-termination hearing. Therefore, pursuant to KRS 18A.095 and 101 KAR 1:345, you have waived your right to such a hearing.

Therefore, based on the authority of KRS 18A.095 and 101 KAR 1:345, you are hereby notified that you are officially dismissed from your position as a Case Management Specialist I, in the Department for Community Based Services, Northern Bluegrass Service Region.

Further, as advised via letter on April 23, 2014, and again on June 6, 2014, in accordance with the authority of KRS 18A.095 (2)(c), the Appointing Authority placed you on administrative leave until the Cabinet for Health and Family Services' final action. As your dismissal is effective June 27, 2014, your administrative leave is hereby concluded.

You are being dismissed from your position for the following specific reasons:

**Lack of Good Behavior and Unsatisfactory Performance of Duties.** As reported by Service Region Administrator Lisa Prewitt, you entered false information in official client records in the Kentucky Automated Management System (KAMES) and you provided intentionally deceptive statements to your supervisor to cover-up your false entry.

Specifically, on January 7, 2014, Client \*1 submitted a KTAP (Kentucky Transitional Assistance Program) application. On January 15, 2014, you approved this application. In your narrative of this client's official case file in KAMES, you specifically stated, "CL (client) has applied for UIB (Unemployment Insurance Benefits) as she is potentially elig (eligible) worker contacted One Stop (The Division of Unemployment Insurance's Career Center) and Steve ver (verified) that she had applied ~~xxx-192~~."

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June 26, 2014  
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On February 24, 2014, Field Services Supervisor (FSSV) Deseriee Sparrow completed a case review (PAFS 117) of Client \*1's official case records. In this review, Ms. Sparrow discovered that the client was eligible for Unemployment Insurance Benefits however, the notations in Client \*1's file stated that the last UIB application on record was September 5, 2007. You failed to consider Client \*1's eligibility for UIB and you failed to obtain or provide updated income information. Had you taken into consideration Client \*1's UIB eligibility, the KTAP eligibility would have been reduced. Ms. Sparrow telephoned \_\_\_\_\_ which you had entered into the official client records in KAMES as the contact number for Steve at the One Stop. Ms. Sparrow was advised that the number was for the Housing Authority of Falmouth, Kentucky, and not the UIB office.

On February 24, 2014, Ms. Sparrow submitted an email to you requesting clarification on your entry into the client's official records in KAMES. You inaccurately responded, "Sorry wrong number One Stop is

" Ms. Sparrow telephoned this number and discovered the number belonged to a private residence. Ms. Sparrow again requested clarification from you via email. You responded, "It is \_\_\_\_\_ I called and Judy answered and she stated that the client would need to apply through Florence, I am going to pend the case, I tried calling and her number does not work."

On February 24, 2014, Ms. Sparrow sent you an additional email regarding your inaccurate entry. In this email, Ms. Sparrow stated, "Well, I am confused. In your comments you said you spoke to Steve and he verified that she (Client \*1) had applied. What is Steve's last name? Who is Judy? What prompted you to call Judy?" You responded via email, "I called the Pendleton office today and Judy answered, she referred me to Florence so I called Ron (Ron Ketterer with the UIB office in Covington) in Florence \_\_\_\_\_ and he (Ron Ketterer) stated that she (Client \*1) looks to be eligible for 39.00 a week he (Ron Ketterer) stated that she (Client \*1) in January she (Client \*1) may not have been eligible depends on the quarters, but she (Client \*1) looks eligible now so I am going to pend the case for her (Client \*1) to apply and he (Ron Ketterer) stated she (Client \*1) could do that over the phone. The Florence number is \_\_\_\_\_." Ms. Sparrow asked you again about "Judy" in the One Stop and requested that you provide "Steve's" last name. You responded, "No Judy is a worker at One Stop, I am sorry. Des I did not get Steve's last name but if she would have been eligible I would have been more than glad to have her apply for the benefit, and I sure would have been ok with entering the income." Your response directly conflicts with your entry in the official client records in KAMES where you stated, "CL (client) has applied for UIB (Unemployment Insurance Benefits) as she is potentially elig (eligible)..."

On February 25, 2014, Ms. Sparrow asked for the One Stop telephone number again and you told her it was \_\_\_\_\_. Ms. Sparrow telephoned this number and spoke with Julie Kirsch. Ms. Kirsch verified that it was the Kentucky Career Center and that they do have an employee named Judy. Ms. Kirsch denied that anyone named "Steve" worked there. Ms. Sparrow also telephoned the Florence office which you had indicated you telephoned and spoke with Ron (Ron Ketterer). Ms. Sparrow spoke with Leslie Masters who informed her that Ron (Ron Ketterer) worked in the Covington office. Ms. Sparrow also asked Ms. Masters if she knew a "Steve" that worked in either the Florence or Covington offices. Ms. Masters responded that there wasn't anyone by that name in either office. Ms. Sparrow spoke with Mr. Ketterer who confirmed via email that he had spoken with someone from DCBS on February 24, 2014.

On April 3, 2014, Human Resources Administrator Galen Linville of the Office of Human Resource Management (OHRM) spoke on the telephone with Division Director Lori Collins of the Kentucky Office of Employment and Training (OET), Division of Workforce and Employment Services. During this conversation, Ms. Collins confirmed that between January 1, 2014, and January 16, 2014, OET had no state merit employees working in any One Stop Shop in Northern Kentucky that went by the name "Steve". Ms. Collins noted stated that the Pendleton County One Stop Shop was operated by the Northern Kentucky Developmental District and no state merit employees were in that office. Ms. Collins also noted that federal regulations regarding access and dissemination of unemployment insurance information allow for only state merit employees to disseminate such information.

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Your act of recording false statements in the KAMES official client record system and using the false information to determine whether the client was eligible for benefits violates KRS 519.060, Tampering with Public Records. Your actions violate the DCBS' Division of Family Support's Online Manual Volume I, MS 0020, General Case Processing, and MS 0130, Documentation; and Volume III, MS 2605, Statutory Benefits. Further, your actions violate the Cabinet for Health and Family Services' Personnel Procedure 2.1, Employee Conduct. Further, your actions constitute lack of good behavior and unsatisfactory performance of duties for which you may be disciplined pursuant to 101 KAR 1:345, Section 1.

**Lack of Good Behavior.** As discovered during the investigation following your pre-termination hearing, you provided false and misleading information during the pre-termination hearing.

Specifically, on May 15, 2014, you attended a pre-termination hearing regarding charges of your lack of good behavior and your unsatisfactory performance of duties. Also present at this meeting were your attorney, Paul Fauri, Esq., Appointing Authority Howard J. Klein, CHFS' Acting Counsel, Staff Attorney Mary Tansey, Division Director Bruce Linder, Division Director Tresa Straw, and Human Resources Administrator Galen Linville. During the course of this hearing, you stated that you were sitting in the office with Client \*1, and that, "I did call the one-stop office, just got the guy's name and number wrong." You also stated, "Program 43 was down" on the day you met with Client \*1 and that was why you had to place the telephone call to the Unemployment Insurance Benefit's (UIB) One Stop Shop to determine eligibility for UIB. You stated that you made this telephone call with Client \*1 present in the room and that Client \*1 had her one month old child with her.

According to records obtained from the CHFS' Office of Administrative and Technology Services, CHFS Division of Family Support staff had access to Program 43, a segment of the Kentucky Information Management System (KYIMS) system, on every working day during the month of January. Review of Program 43 access indicates that you (based on your user id of HR117YH) accessed the system to review the file of Client \*1 on January 15, 2014. Further investigation discovered that the Commonwealth Office of Technology logs indicate that there were no issues with the KYIMS on January 15, 2014, between the hours of 7:00 a.m. and 5:00 p.m.

On May 22, 2014, at 10:24 a.m., CHFS' Acting Counsel, Staff Attorney Mary Tansey and Mr. Linville interviewed Client \*1 via telephone. Mr. Linville asked Client \*1 if she remembered the day that she met with you regarding her application and, if she could describe the meeting. Client \*1 stated, "I met with Deana Tincher in her office." Client \*1 also stated, "Ms. Tincher looked at it (her unemployment insurance benefit eligibility) online and I was eligible. She (you) advised me (Client \*1) to get a paper from their (UIB's) office and to tell them that she (you) had sent her." Mr. Linville asked Client \*1 if she recalled any telephone calls made. Client \*1 responded that you, "Didn't make any calls that I remember."

Your false statements during the pre-termination hearing violate the CHFS' Personnel Procedure 2.1, Employee Conduct. Further, your actions constitute lack of good behavior for which you may be disciplined pursuant to 101 KAR 1:345, Section 1.

**Lack of Good Behavior.** As discovered following your pre-termination hearing, despite receiving a specific directive from the Appointing Authority, you initiated contact with a client who was a material witness in an official administrative investigation of which you were the subject.

Specifically, on April 23, 2014, you received a letter advising you that you were placed on Administrative Leave pending CHFS' final action. This letter specifically includes the following paragraph.

"You are cautioned that retaliation is prohibited. Any unauthorized contact with staff or clients may be considered interference in the disciplinary process. During this period of administrative

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leave, you will not be allowed admittance to any Cabinet for Health and Family Services premises, unless you have been scheduled for an appointment. During the duration of this administrative leave, you are to make yourself available and cooperate in the event Cabinet officials need to contact you."

On May 21, 2014, at 11:57 a.m., Client \*1 telephoned Mr. Linville to advise him that you had telephoned her from a number noted on her phone as "unknown". Client \*1 received this telephone call on her personal cellular telephone number. Client \*1 stated that you advised her that someone from CHFS would be contacting her to discuss the January meetings regarding her K-TAP (Kentucky Transitional Assistance Program) application. Client \*1 also stated, "Ms. Tincher also asked if I (Client \*1) remembered who they had talked to (at the UIB office)." Client \*1 stated that you admitted you had a hearing coming up and that you were being investigated.

Mr. Linville asked Client \*1 if you and she were close friends. Client \*1 said, "No." Mr. Linville asked Client \*1 how she thought you had gotten her telephone number. Client \*1 responded, "The only way she would have my number is through the system. I'm going through a divorce and just updated my information in the Bracken office last Thursday or Friday (May 15, 2014, or May 16, 2014)."

Of note, at no point following receipt of the notification of being placed on administrative leave did you request or receive authorization to contact staff or clients while on administrative leave.

Your actions violate the CHFS' Personnel Procedure 2.1, Employee Conduct. Further, your actions constitute lack of good behavior for which you may be disciplined pursuant to 101 KAR 1:345, Section 1.

**Unsatisfactory Performance of Duties.** As reported by Service Region Administrator Lisa Prewitt, despite repeated attempts to correct your poor work performance, you continue to have high error rates and you continue to fail to follow policy and procedure.

Specifically, on September 30, 2011, Field Services Supervisor (FSSV) Heidi Hanrahan initiated a Performance Improvement Plan (PIP) with you. This PIP specifically addressed, "Payment error rate and "other" error rate – documentation and KWP (Kentucky Works Program) documentation." Your specific improvement plan stated, "When submitting special circumstance payment, supplement, please print the benefit proration screen and attache (sic) to email. Utilize KWP meeting folders and tips sheets w/manual and policy sheets as well. FSS (Family Support Supervisor) will be more timely in case reviews to identify areas needing improvement." This PIP was scheduled to be reviewed on October 28, 2011.

On November 17, 2011, Ms. Hanrahan initiated a second Performance Improvement Plan (PIP) with you. This PIP specifically addressed, "Payment error rate and "other" error rate – documentation and KWP (Kentucky Works Program) documentation. Your specific improvement plan stated, "When submitting special circumstance payment, supplement, please print the benefit proration screen and attache (sic) to email. Utilize KWP meeting folders and tips sheets w/manual and policy sheets as well. FSS (Family Support Supervisor) will be more timely in case reviews to identify areas needing improvement." This PIP was scheduled to be reviewed on November 28, 2011.

On September 25, 2013, FSSV Deseriee Sparrow met with you regarding your poor work performance and initiated a new PIP. The Performance Improvement Area of this PIP includes but is not limited to the following:

- Accuracy of applications, re-certifications, and case changes processed.

On January 28, 2014, you met with Ms. Sparrow to discuss your 2013 3<sup>rd</sup> Interim Review. In the "Job Tasks" section of this interim review, Ms. Sparrow specifically noted, "During this review period her (your) SNAP

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(Supplemental Nutrition Assistance Program) payment error rate was 9.1% and 27.3% (of your reviewed cases) contained errors. Her IM error rate was 80%."

During the period between September 12, 2013 and February 13, 2014, FSSV Sparrow documented the following specific performance concerns:

- On September 12, 2013, Kentucky Transitional Assistance Program (KTAP) was discontinued effective September 13, 2013, for Client \*2. The procedure to enact the discontinuance required that you email your supervisor or the principal to have the 310 (a disqualification code) removed in a timely manner. However, you failed to contact your supervisor or the principal and the 310 was not deleted at the time of discontinuance. Ms. Sparrow emailed you on September 12, 2013 to advise you of this error. Further, no supplement was needed, as the Supplemental Nutritional Assistance Program (SNAP) case was inactive.
- On September 16, 2013, a case review (117) was completed on Client \*3's case with two errors cited on the KTAP case. Specifically, the FA-1 was had not been scanned into the ECF (electronic client file) and you had miscalculated Client \*3's college classroom hours causing the client to unnecessarily complete monitored study based on your miscalculation.
- On September 16, 2013, a case review (117) was completed on Client \*4 with four errors cited on the KTAP case as well as a scanning error. Specifically, you entered an incorrect deprivation code, the KIM-101 was not in the client's ECF, you failed to document that you had explained the Rights and Responsibilities to the client, you completed an incorrect KWP (Kentucky Works Program) referral on OTIS, and you incorrectly scanned the client's application with a PAFS-706. You made the necessary corrections, however you failed to initially follow policy in the Division of Family Support Operation Manual, Volume I, MS 0130 and had multiple system entry errors.
- On September 16, 2013, a case review (117) completed on Client \*5 with three errors cited on the KTAP case. Your errors included notations on deprivation and you failed to obtain verification of age/relationship for newborn. You made the necessary corrections, however you failed to follow policy in Volume III, MS 2310 and 2329; information in comments not matching the entries in Kentucky Automated Management and Eligibility System (KAMES).
- On September 16, 2013, Ms. Sparrow discovered a SNAP case (Client \*4) that was coded in error as caring for a child under the age of 6. The child was 11 years old. Ms. Sparrow notified you and you made the necessary corrections. Ms. Sparrow had previously discussed this issue at the unit's staff meeting on April 17, 2013.
- On September 25, 2013, Ms. Sparrow discovered Client \*6 had added a U exemption (i.e. code used for KWP cases) on August 2, 2013. You should have notified your supervisor at the time of this change. However, you failed to notify Ms. Sparrow until September 25, 2013. Ms. Sparrow adjusted the YY tracking. The Division of Family Support procedures require that the worker (you) notify the supervisor, so that the supervisor can adjust the YY tracking screen for that client. You failed to follow this policy (Volume III, MS 2324). Of greater concern, Ms. Sparrow noted that the member add was completed on July 31, 2013 and comments indicated that the client and worker thought that the client had used all 12 months of the U exemption of which she is allowed. Upon investigation, Ms. Sparrow discovered that the client had not used all 12 months of the U exemption. You failed to inquire the case properly and provided the client inaccurate information.
- On September 25, 2013, it was discovered that the medical case for Client \*7 was discontinued on August 13, 2013. Client \*7 was due for recertification in July. The client was in the office and met with you on July 7, 2013. However, you discontinued the case rather than completing the

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recertification. The case was not put back in the system, as the child had been removed by Child Protective Services (CPS). As the child was no longer in the home, no reinstatement was necessary as the client was no longer eligible.

- On September 30, 2013, a case review (117) was completed on Client \*8 with two errors cited on the SNAP case. You failed to accurately answer KWP and Unemployment Insurance Benefits (UIB) questions. Specifically, you failed to complete corrections accurately. Your actions violated policy MS 0130, Documentation, that was specifically discussed by Ms. Sparrow in the unit's meeting on April 17, 2013.
- On October 22, 2013, Case Management Specialist III (CMS III) Tonya Gayheart completed case reviews with you in Harrison County. Of the 35 cases reviewed, 16 cases required correction. Ms. Gayheart noted multiple misapplications of policy by you. Further, you failed to accept responsibility for your errors and attempted to rush through the case review findings with Ms. Gayheart.
- On October 24, 2013, a case review (117) was completed on Client \*9 with 5 errors cited on the Kinship Care case. Your errors included incorrect deprivation, system entry errors, scanning errors and failure to obtain verification that permanent custody of the child had been granted in December of 2007. You made the necessary corrections. However, you misapplied Family Support policies from Volume III, MS 2310 and MS 5055 in this case. It was noted that some of your errors were due to your rushing through your work, which is affecting your accuracy.
- On November 4, 2013, Ms. Sparrow discovered that the application for Client \*10 was pended for supervisory approval because you made an error on the deprivation screen regarding compliance with child support. Ms. Sparrow advised you of the error and how to resolve it. You responded that KAMES would not allow you to correct the case as advised. Ms. Sparrow had to correct the error on your behalf.
- On November 4, 2013, a case review (117) was completed on Client \*10 case with 3 errors cited on the KTAP case. The discovered errors were on the deprivation screen and the absence screen, and scanning errors were also identified. These errors should have been corrected on or before November 7, 2013. However, you failed to complete the corrections until November 25, 2013. You failed to follow policy described in Volume III, MS 2310 and your failure created system entry errors in KAMES.
- On November 4, 2013, a case review (117) was completed on Client \*11's case with 2 errors cited on the KTAP case. You failed to inquire program 43 to determine if Client \*11 was potentially eligible for UIB and not required to apply. Further, you committed errors in your documentation, including failing to document excluded income, and scanning documents into the ECF. You made the necessary corrections. However, your errors were a violation of policy in the Division of Family Support's Manual Volume III, MS 2605 and MS 2159.
- On November 4, 2013, a case review (117) was completed on Client \*12's case with 3 errors cited on the KTAP case. The errors included the deprivation screen, incorrect employment code, documentation and resources not matching the verified amount. You made the necessary corrections. However, your errors were a violation of policy in Volume I, MS 0130 and your failure created system entry errors.
- On November 15, 2013, CMS III Gayheart again completed case reviews with you in Harrison County. Ms. Gayheart noted that you continue to have problems with processing cases correctly. You again had difficulty accepting responsibility for your errors. You rushed during the review

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and tried to move on to the next case. You showed difficulty concentrating and difficulty in taking your time which would reduce your error rates.

- On November 22, 2013, it was discovered that Client \*13, who is required to participate in 30 hours per week of work experience and community service (COM), needed to be placed in 10 additional hours of COM to combine with her 20 hours of employment. Based on the work experience training (WEP) calculator, Client \*13 was allowed to participate in 26 hours per week in COM. You incorrectly placed her in 6 hours of COM rather than 10 hours. You failed to accurately interpret policy in Volume IIIA, MS 4245, which was discussed at a staff meeting on April 17, 2013. As a result, you provided the inaccurate KWP requirements information to the client placing the client at risk of losing benefits.
- On November 22, 2013, FSSV Sparrow approved an educational bonus for Client \*13. Ms. Sparrow discovered that you had failed to change the "highest grade completed" code when Client \*13 earned her General Educational Development (GED). Your failure delayed the client receiving an education bonus. Ms. Sparrow also noted you had committed a scanning error with the diploma.
- On December 3, 2013, FSSV Sparrow advised you that you had made an error on November 15, 2013, when you approved Client \*14's KTAP application. You had advised "major" mom that she would have to return all child support received for "minor" mom and the sibling. Ms. Sparrow had advised you to review MS 2615 as you misapplied the policy. You blamed "Agnes" in the Child Support Enforcement office, rather than admit your own inability to interpret policy.
- On December 17, 2013, a case review (117) was completed on Client \*15's case with two errors cited on the SNAP case. You failed to accurately note the student status questions and you failed to accurately scan the dates/forms into the electronic case file (ECF). You made the necessary corrections. However, your failure to properly perform your casework was in violation of the Department for Family Support's policy Volume II, MS 5650; which was reviewed at the unit's meeting on October 31, 2013.
- On December 17, 2013, a case review (117) was completed on Client \*16's case with 1 error cited on the SNAP case. You indicated the incorrect tape update (an update reflecting applicable client benefits by date) for supplemental security income (SSI). By utilizing the incorrect tape update, your actions violate MS 7475, SNAP Case Documentation.
- On December 20, 2013, FSSV Sparrow completed case reviews with you in Harrison County. Ms. Sparrow noted error trends including student expenses, tracking errors, WEP calculator and failing to meet with college students in November to secure KWP participation. These types of errors had been addressed with you in the past.
- On January 2, 2014, you inaccurately approved a KTAP case for Client \*11. You inaccurately counted child support when the amount was below the gross income limit. FSSV Sparrow emailed you and advised you to review policy Volume III, MS 2610.
- On January 2, 2014, FSSV Sparrow discovered that you had approved the KTAP case for Client \*11 on December 30, 2013. However, you failed to follow procedure when you failed to enter a referral on OTIS (Online Tracking Information System) within one day of approval which would have been the next business day following the KTAP approval. Ms. Sparrow emailed you on January 2, 2014 and asked you to complete the referral so that she could finish her report. You failed to complete the referral within specified timeframe of one day. Further, when you entered

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the referral, you inaccurately entered a start date of November 15, 2013. The actual start date was December 1, 2013.

- On January 3, 2014, FSSV Sparrow conducted a thorough review of Client \*11's case. Ms. Sparrow discovered that the SR (specified relative) was removed from the case incorrectly effective December 1, 2013, based on the conversation that you had with the help desk on November 25, 2013, that determined the client was not receiving Social Security Disability Insurance (SSDI). Ms. Sparrow advised you that the client was entitled to a KTAP supplement for the month of December 2013. You issued the supplement on January 3, 2014, but made an error on the YY tracking screen when you inaccurately added December as a month of receipt. Your actions caused a further delay in Client \*11 receiving benefits.
- On January 13, 2014, a case review (117) was completed on Client \*17's case with two errors cited on the SNAP case. You failed to enter Client \*17's verification of termination into the ECF and you failed to pend the case for verification of no income. You failed to process a case correctly for which Call Services had initiated a recertification. Your actions delayed Client \*17's receipt of benefits.
- On January 13, 2014, a case review (117) was completed on Client \*18's case with two errors cited on the SNAP case. You failed to verify lack of income and you failed to provide documentation of excluded income. Due to your failure, FSSV Sparrow advised you to review policy Volume II, MS 7030. Your actions delayed Client \*18's receipt of benefits.
- On January 30, 2014, FSSV Sparrow discovered that you had removed a U exemption on Client \*19 after the January cutoff. You failed to email Ms. Sparrow to adjust the YY tracking. Ms. Sparrow corrected the YY tracking and discovered that you had entered the incorrect start date on the Online Tracking Information System (OTIS) for the component. The process of immediately submitting an email to your FSSV regarding a U exemption addition or a U exemption being removed after the cutoff date has been repeatedly discussed with you in unit meetings as well as one-on-one meetings.
- On January 31, 2014, FSSV Sparrow discovered that you had added a SEE (code used for KWP to indicate employment) component for Client \*20. As of May 3, 2013, SEE components were automatically created by OTIS and never to be worker entered. This procedure was addressed with all staff and you knew or should have known that you were not to enter the SEE component.
- On February 6, 2014, at a Maysville Community and Technical College (MCTC) meeting, FSSV Sparrow asked you why you added a SEE component to Client \*20. You stated that Ms. Sparrow had sent you an email telling you to do so. Ms. Sparrow requested a copy of the email. You produced an email from December 7, 2012. Ms. Sparrow reminded you of the clarification that was received on May 3, 2013, advising staff not to enter SEE components any longer as it was automatically added to eligible cases.
- On February 10, 2014, you sent an email to MCTC and Adult Education and copied FSSV Sparrow. This email contained information regarding a client that you had discussed separately with each organization but, not information that both organizations required. When Ms. Sparrow asked you about this email, you responded that you meant to send the email only to Ms. Sparrow and that MCTC and Adult Education were not intended recipients. Your failure to verify the recipient list prior to sending indicates your lack of attention to detail and released information to community partners that they did not have a need to access.



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- On February 13, 2014, you invalidated pending documents in the ECF for Client \*21 that were scanned on February 10, 2014. FSSV Sparrow discovered this through a Share Point referral. You invalidated the documents in error and the WIN (Work Incentive reimbursement) payment was not made as it should have been.

Your actions violate the DCBS Division of Family Support's Online Manual Volume I, MS 0020, General Case Processing, and MS 0130, Documentation; Volume II, MS 5650, Budgeting Income; Volume IIA MS 4500, Ending Work Related Disqualifications; Volume III MS 2159, Documentation, MS 2310, Age, MS 2324, KWP Exemption Criteria, MS 2329, Verification of Relationship, MS 2605, Statutory Benefits, MS 2610, Child Support and/or Spousal Support, and MS 5055, Permanency Requirements; and Volume IIIA MS 4410, Staff Roles and Responsibilities, MS 4245, Calculating Hours of Participation for WEP/COM, and MS 5350, Overview of Supportive Services. Further, your actions violate the Cabinet for Health and Family Services' Personnel Procedure 2.1, Employee Conduct. Further, your actions constitute unsatisfactory performance of duties for which you may be disciplined pursuant to 101 KAR 1:345, Section 1.

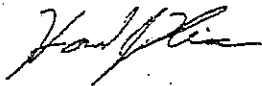
You previously received the following actions:

<u>DATE</u>	<u>ACTION</u>	<u>REASON</u>
March 19, 2008	Written Reprimand	Lack of Good Behavior
November 15, 2007	Written Reprimand	Lack of Good Behavior

To keep confidential the identities of Client \*1 through Client \*21 as required by law, the names of the clients referred to are transmitted by the attached list marked "CONFIDENTIAL" which is not to be disclosed without proper authorization. Further, you are not authorized to disclose the following client names to anyone, including any attorney who may be representing you as counsel.

A copy of this notice is being furnished to the Personnel Cabinet in accordance with personnel rules. As an employee with status, you may appeal this action to the Personnel Board within sixty (60) days after receipt of this notice, excluding the day of receipt. Appeals must be made by completing the attached form and directing it to the address indicated on the form. (See KRS 18A.095 and 101 KAR 1:365, Appeal and Hearing Procedure.)

Sincerely,



Howard J. Klein  
Appointing Authority

HJK: gil

Attachments

cc: Paul Fauri, Esq.  
Secretary Tim Longmeyer, Personnel Cabinet  
Executive Director Mark Sipek, Personnel Board  
Commissioner Teresa James, Department for Community Based Services  
Service Region Administrator Lisa Prewitt, Northern Bluegrass Service Region  
Cabinet Personnel File