

**BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE**

IN THE MATTER OF
ALAN CHERRIN
Appellant.

DOCKET NO. 96-04-87

FINDINGS, OPINION AND ORDER

PUBLIC ORDER

BEFORE Katy Woo, Chairperson, Walter Bowers, Gary Fullman and Dallas Green, Members of the Merit Employee Relations Board, constituting a lawful quorum of the Board pursuant to 29 Del. C., § 5908(a).

APPEARANCES:

For the Appellant: Gary W. Aber, Esquire
Heiman, Aber & Goldlust
600 First Federal Plaza
702 King Street
PO Box 1675
Wilmington, DE 19899-1675

For the Department: J. Patrick Hurley
Deputy Attorney General
Department of Justice
Carvel State Office Building
820 North French Street
Wilmington, DE 19899-8911

SUMMARY OF EVIDENCE, FINDINGS AND CONCLUSION

The Appellant chose to have the hearing of this matter treated as a non-public disciplinary proceeding under the provisions of 29 Del. C. Ch. 101, and the proceedings relating thereto were conducted in an executive session properly entered into by vote of the

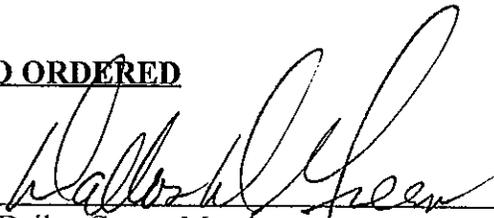
COPY

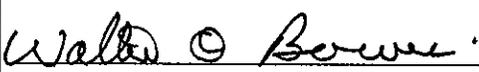
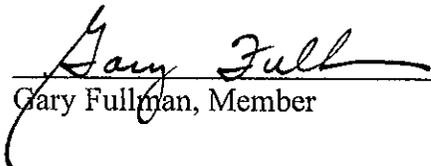
Merit Employee Relations Board. Therefore, the summary of the evidence, the findings of facts of the Merit Employee Relations Board while available for appeal are not public records.

CONCLUSION AND ORDER

The Board concludes that under Merit Rule 15.1, the evidence presented supports just cause for the termination of employment of the Appellant by the Secretary of the Department of Transportation; that the required due process rights were provided; and that the penalty imposed, under the circumstances, was appropriate. The action of dismissal taken by the Department is upheld by the unanimous vote of all Board members signing below.

IT IS SO ORDERED

 _____ Katy K. Woo, Chairperson	 _____ Dallas Green, Member
--	---

 _____ Walter Bowers, Member	 _____ Gary Fullman, Member
---	--

APPEAL RIGHTS

29 Del. C. §5949(b) provides that the grievant shall have a right of appeal to the Superior Court on the question of whether the appointing agency acted in accordance with law. The burden of proof of any such appeal to the Superior Court is on the grievant. All appeals to the Superior Court are to be filed within thirty (30) days of the employee being notified of the final action of the Board.

Mailing Date: October 7, 1996 

MMT:jlt

Distribution:

- Original: File
- Copies: Grievant
- Grievant's Representative
- Agency
- Agency's Representative
- Merit Employee Relations Board
 - Katy K. Woo, Chairperson
 - Robert Burns, Vice Chairperson
 - Walter Bowers, Member
 - Gary Fullman, Member
 - Dallas Green, Member
- State Personnel Office (3 copies)