

**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

COPY

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
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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

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 Woo

Katy K. Woo, Chairperson

Dallas Green

Dallas Green, Member

Walter Bowers

Walter Bowers, Member

Gary Fullman

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

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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

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