

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

|                           |   |                             |
|---------------------------|---|-----------------------------|
| TERESA CAMPBELL,          | ) |                             |
|                           | ) |                             |
| Employee/Grievant,        | ) |                             |
|                           | ) | <b>DOCKET No. 06-10-369</b> |
| v.                        | ) |                             |
|                           | ) |                             |
| FAMILY COURT OF THE STATE | ) |                             |
| OF DELAWARE,              | ) | <b>PUBLIC DECISION AND</b>  |
|                           | ) | <b>ORDER</b>                |
| Employer/Respondent.      | ) |                             |

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board ("the Board") at 9:00 a.m. on October 2, 2008 at the Margaret M. O'Neill Building, 410 Federal Street, Suite 213, Dover, DE 19901 and continued on October 22, 2008.

**BEFORE** John F. Schmutz, Acting Chair, Martha K. Austin, Joseph D. Dillon, and Paul R. Houk, Members, a quorum of the Board under 29 *Del. C.* §5908(a).

**APPEARANCES**

W. Michael Tupman, Esquire  
Deputy Attorney General  
Legal Counsel to the Board

Jean Lee Turner  
Administrative Assistant to the Board

Teresa Campbell  
Grievant/Employee *pro se*

Kevin R. Slattery, Esquire  
Deputy Attorney General  
on behalf of the Family Court  
of the State of Delaware

**BRIEF SUMMARY OF THE EVIDENCE**

A brief summary of the evidence is set forth in the Board's Non-Public Decision and Order.

**FINDINGS OF FACT**

The Board's findings of fact are set forth in the Board's Non-Public Decision and Order.


**CONCLUSIONS OF LAW**

The Board's conclusions of law are set forth in the Board's Non-Public Decision and Order.

**DECISION AND ORDER**

It is this 6<sup>th</sup> day of November, 2008, the unanimous (4-0) decision of the Board to grant Campbell's appeal and order the Family Court to pay Campbell back pay according to the formula set forth in the Board's Non-Public Decision.

  
\_\_\_\_\_  
John F. Schmitz  
Acting Chair

  
\_\_\_\_\_  
Martha K. Austin  
Member

\_\_\_\_\_  
Paul R. Houck  
Member

  
\_\_\_\_\_  
John D. Dillon  
Member

## APPEAL RIGHTS

29 *Del. C.* §5949 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 on any such appeal to the Superior Court is on the grievant. All appeals to the Superior Court must be filed within thirty (30) days of the employee's being notified of the final action of the Board.

29 *Del. C.* §10142 provides:

(a) Any party against whom a case decision has been decided may appeal such decision to the Court.

(b) The appeal shall be filed within 30 days of the day the notice of the decision was mailed.

(c) The appeal shall be on the record without a trial de novo. If the Court determines that the record is insufficient for its review, it shall remand the case to the agency for further proceedings on the record.

(d) The court, when factual determinations are at issue, shall take due account of the experience and specialized competence of the agency and of the purposes of the basic law under which the agency has acted. The Court's review, in the absence of actual fraud, shall be limited to a determination of whether the agency's decision was supported by substantial evidence on the record before the agency.

Mailing date: January 16, 2009

Distribution:

Original: File

Copies: Grievant

Agency's Representative

Board Counsel