

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

MICHELE CARTY,)	
)	
Employee/Grievant,)	
)	DOCKET No. 10-08-479
v.)	
)	PUBLIC
JUSTICE OF THE PEACE COURT,)	DECISION AND ORDER
)	
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 March 30, 2011 at the Delaware Commission of Veterans Affairs, 802 Silver Lake Boulevard, Suite 101, Dover, DE 19904.

BEFORE Martha K. Austin, Chair, John F. Schmutz, Paul R. Houck, and Victoria D. Cairns, a quorum of the Board under 29 *Del. C.* §5908(a).

APPEARANCES

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

Chandra J. Williams, Esquire
on behalf of Michele Carty

Kevin R. Slattery
Deputy Attorney General
on behalf of the Justice of
the Peace Court

BRIEF SUMMARY OF THE EVIDENCE

The Justice of the Peace Court (JP Court) offered and the Board admitted into evidence eleven documents marked for identification as Exhibits A-K.

The JP Court called five witnesses: Kristine S. Smalley, Judicial Case Processor III; Vanessa J. Marlow, Judicial Operations Manager; Deborah Manelski, Human Resource Specialist; Marianne Kennedy, Court Administrator; and Jody Huber, Staff Attorney.

The employee/grievant, Michele Carty (Carty), offered and the Board admitted into evidence six documents marked for identification as Exhibits 1-6. Carty testified on her own behalf but did not call any other witnesses.

FINDINGS OF FACT

The Board incorporates by reference the Findings of Fact in its Non-Public Decision and Order.

CONCLUSIONS OF LAW

The Board incorporates by reference the Conclusions of Law in its Non-Public Decision and Order.

ORDER

It is this 11th of April, 2011, by a vote of 3-1, the Decision and Order of the Board to grant Carty's appeal. The JP Court shall reinstate Carty to the same or comparable position as of the date of issuance of this Decision and Order without back pay and benefits.



JOHN F. SCHMUTZ, MERB Member



PAUL R. HOUCK, MERB Member



VICTORIA D. CAIRNS, MERB Member

I respectfully dissent.



MARTHA K. AUSTIN, MERB Chairwoman