

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

DEBORAH L. WALBERT,)
)
 Employee/Grievant,)
)
 v.)
)
 JUSTICE OF THE PEACE COURT,)
)
 Employer/Respondent.)

DOCKET No. 11-04-510

PUBLIC
DECISION AND ORDER

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 6, 2011 at the Public Service Commission, Canon Building, 861 Silver Lake Boulevard, Dover, DE 19904.

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

APPEARANCES

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

Deborah L. Murray-Sheppard
Board Administrator

Deborah L. Walbert
Employee/Grievant *pro se*

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

BRIEF SUMMARY OF THE EVIDENCE

The Board incorporates by reference the Brief Summary of the Evidence in the Board's Non-Public Decision and Order.

FINDINGS OF FACT

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

CONCLUSIONS OF LAW

Merit Rule 12.1 provides:

Employees shall be held accountable for their conduct. Disciplinary measures up to and including dismissal shall be taken only for just cause. "Just cause" means that management has sufficient reasons for imposing accountability. Just cause requires: showing that the employee has committed the charged offense; offering specified due process rights specified in this chapter; and imposing a penalty appropriate to the circumstances.

The Board concludes as a matter of law that the Court had just cause to terminate the employee/grievant, Deborah L. Walbert (Walbert)..

ORDER

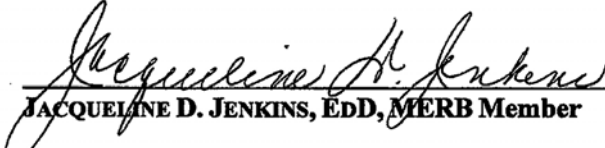
It is this **18th** day of October, 2011, by a vote of 4-0 (Board Member Houck abstaining), the Decision and Order of the Board to deny Walbert's appeal.



MARTHA K. AUSTIN, MERB Chairwoman



JOHN F. SCHMUTZ, MERB Member



JACQUELINE D. JENKINS, EDD, MERB Member



VICTORIA D. CAIRNS, MERB Member