

**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
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

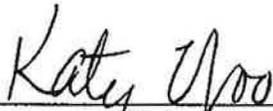
The Appellant chose to have the hearing of this matter treated as a non-public disciplinary proceeding under the provisions of 29 Del. C. Ch. 101, and the proceedings relating thereto were conducted in an executive session properly entered into by vote of the

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.

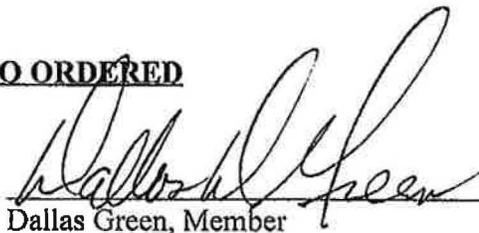
CONCLUSION AND ORDER

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



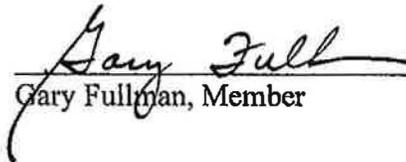
Katy K. Woo, Chairperson



Dallas Green, Member



Walter Bowers, Member



Gary Fullman, Member