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October 1, 2008

Susan Hill
P. O. Box 615
Brusly, LA 70719

and

Mark E. Falcon
Avant & Falcon
P. O. Box 2667
Baton Rouge, LA 70821

RE: Susan Hill vs. Department of Natural Resources – Costal Restoration, Docket No. 16462 and S-16590

Dear Ms. Hill and Mr. Falcon:

After reviewing the Department of Natural Resources' (DNR) Motion for Partial Summary Disposition and Mr. Hill's response filed on September 26, 2008, I make the following rulings.

I find that Ms. Hill was given adequate pre-deprivation/disciplinary notice and an adequate opportunity to respond. Therefore, any challenge to the adequacy of the pre-disciplinary notice is dismissed.

As to the letter of counseling received by Ms. Hill on June 26, 2008, under CSR 12.9, letters of counseling are appealable only on the grounds of prohibited discrimination or a rule violation. Here Ms. Hill has alleged that she was discriminated against based on her race, sex, religion or political beliefs, but has alleged no facts, which, if proved, would establish a prima facie case of prohibited discrimination. A mere conclusion of discrimination is not sufficient. See Civil Service rule 13.11(d). Therefore, I conclude that Ms. Hill has no right to appeal her letter of counseling.

*** We accept all filings by FAX 225.342.8058 and by e-mail dscs.appeals@la.gov

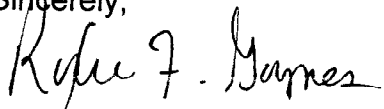
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In this appeal, Ms. Hill challenges the adequacy of the letter of disciplinary action. I have reviewed the letter of reduction in pay and the letter of dismissal and conclude that they satisfy the requirements of CSR 12.8. Therefore, I summarily dismiss this claim.

Ms. Hill also references, among other things, retaliation, defamation, abuse of process, detrimental reliance, material misrepresentation, and false imprisonment. I have no jurisdiction over the claims of defamation, detrimental reliance and false imprisonment. As to the other claims I consider them a defense to Ms. Hill's reduction in pay and dismissal and to that extent they will be considered at the trial on the merits scheduled for October 30, 2008.

Sincerely,

A handwritten signature in cursive script, appearing to read "Roxie F. Goynes".

Roxie F. Goynes

Civil Service Commission Referee

cc: Scott Angelle

Mary Ginn

AP:RFG:dl