

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**ESCAMBIA COUNTY SCHOOL BOARD,
Petitioner,**

vs.

Case No. 14-0592

**TERRY GREEN,
Respondent.**

**FINAL ORDER ADOPTING THE FINDINGS OF FACT AND CONCLUSIONS OF
LAW OF THE ADMINISTRATIVE LAW JUDGE**

Pursuant to notice, a formal hearing was held in this matter on April 1, 2014, before the Division of Administrative Hearings by Administrative Law Judge David M. Maloney via video teleconference at sites located in Tallahassee and Pensacola, Florida. The subject matter of the hearing was whether the School Board should permit Respondent to take sick leave for the period commencing December 18, 2013, through the time it takes for evaluation by a Substance Abuse Professional and any necessary rehabilitation; or until Respondent's sick leave is exhausted, whichever occurs first.

Judge Maloney issued a Recommended Order on May 2, 2014. Judge Maloney concluded that Respondent failed to meet the burden of proof that substance abuse in general or abuse of opiates, in particular is a sickness. Judge Maloney concluded that Respondent failed to meet the burden of proof that she is entitled to sick leave for substance abuse after returning to work from suspension without pay for a first-time, positive, drug test. Judge Maloney made findings of fact and conclusions of law, which are supported by the record.

Pursuant to Section 120.57, Florida Statutes, the School Board of Escambia County hereby adopts the findings of fact and conclusions of law contained in the Recommended Order, which is specifically incorporated by reference and attached. The Respondent's request to be allowed to use sick leave during her suspension without pay is hereby DENIED.

Respondent has thirty (30) days from the rendition of this Order to file a notice of appeal in accordance with Section 120.68, Florida Statutes.

ADOPTED by the School Board of Escambia County, Florida, at Pensacola, Florida, in open meeting, this 24th day of June, 2014.

APPROVED
ESCAMBIA COUNTY SCHOOL BOARD

JUN 24 2014

MALCOLM THOMAS, SUPERINTENDENT
VERIFIED BY RECORDING SECRETARY


Linda Moultrie, Chair

Attest: 
Malcolm Thomas, Superintendent

CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy of the foregoing has been furnished by U.S. Mail this 7th day of July, 2014 to:

David M. Maloney, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, FL 32399-3060


Pam Stewart, Commissioner of Education, Turlington Building, Suite 1514, 325 West Gaines Street, Tallahassee, FL 32399-0400

Malcolm Thomas, Superintendent, Escambia County School District, 75 North Pace Blvd., Pensacola, FL 32505

Matthew Carson, General Counsel, Department of Education, Turlington Building, Suite 1244, 325 West Gaines Street, Tallahassee, FL 32399-0400.

Joseph L. Hammons, Esquire, The Hammons Law Firm, 17 West Cervantes Street, Pensacola, FL 32501

Terry Green, 412 North 60th Ave., Pensacola, FL 32506


Sharon B. Goshorn, Agency Clerk
Escambia County, FL School District
75 North Pace Blvd.
Pensacola, FL 32505
(850) 469-6362
(850) 469-6303 (facsimile)