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November 21, 2014

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Tallahassee, Florida 32399-3060


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DIVISION OF
ADMINISTRATIVE
HEARINGS

Re: *Emerald Coast Utilities Authority v. Roderick E. Billups*
DOAH Case Number: 14-3100

Dear Ms. Llado:

Administrative Law Judge Diane Cleavinger rendered a Recommended Order in the above-referenced matter on October 27, 2014. Subsequent thereto, the Emerald Coast Utilities Authority (ECUA) entered a Final Order on November 19, 2014. Pursuant to Section 120.57(1)(m) you are hereby being provided a copy of that Final Order. Should you have any questions please do not hesitate to contact me.

Sincerely,



Bradley S. Odom
ECUA General Counsel

BSO:cab

Enclosure

cc: Linda Iversen (w/encl.)

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

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EMERALD COAST UTILITIES
AUTHORITY,

Petitioner,

v.

DOAH Case No.: 14-3100

RODERICK E. BILLUPS,

Respondent.

FINAL ORDER

Petitioner, Emerald Coast Utilities Authority (hereinafter "ECUA"), terminated Respondent, Roderick E. Billups (hereinafter "Billups"), from his employment with ECUA effective close of business on June 23, 2014 by way of a letter dated June 23, 2014. Billups timely requested a hearing, and the case was forwarded to the Florida Division of Administrative Hearings. A formal hearing was conducted in this cause on September 15, 2014 in Pensacola, Florida, before Diane Cleavinger, Administrative Law Judge with the Florida Division of Administrative Hearings.

On October 27, 2014 Judge Cleavinger submitted a Recommended Order, which included Findings of Fact and Conclusions of Law. In her Recommended Order, Judge Cleavinger found that ECUA had proven by a preponderance of the evidence that Billups (1) could not perform the essential requirements of his job after six months of inactive status; (2) the evidence did not demonstrate a reasonable basis to extend Billups' inactive work status beyond the six months already provided; and (3) Billups' inability to perform his work duties caused him to not be in compliance with Sections B-13(10), B-13(33), and D-16 of ECUA's Human Resources Manual and Employee Handbook. Judge

Cleavinger therefore recommended that I find that Billups could not return to work within six (6) months from the date of his injury, did not comply with ECUA's Human Resources Policy Sections B-13(10), B-13(33), and D-16 and impose such discipline on him as deemed appropriate.

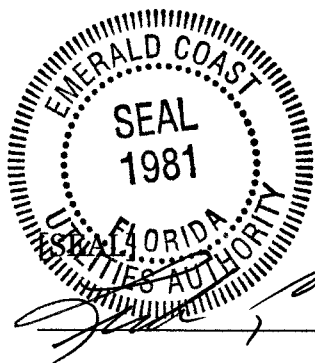
The parties were afforded the opportunity to submit written exceptions to the Recommended Order. The time-frame within which to submit any submissions has expired, and none have been received.

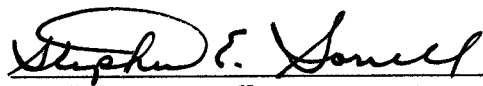
BASED ON THE FOREGOING, it is ORDERED:

1. That the October 27, 2014 Findings of Fact and Conclusions of Law submitted to the Emerald Coast Utilities Authority by the Administrative Law Judge be, and is hereby, made a part of and incorporated in this Order and the Recommended Order is adopted in its entirety.

2. The termination of the employment of Roderick E. Billups is hereby upheld and Affirmed, and he shall go forth without day; however, he shall be eligible to reapply for any available positions for which he may be qualified.

DONE AND ENTERED this 19th day of November, 2014.




Stephen E. Sorrell, P.E., M.P.A.
Executive Director
Emerald Coast Utilities Authority

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO A JUDICIAL REVIEW WHICH SHALL BE INSTITUTED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF ECUA, AND A SECOND COPY ALONG WITH FILING FEE AS PRESCRIBED BY LAW, WITH THE CIRCUIT COURT OF ESCAMBIA COUNTY. REVIEW

PROCEEDINGS SHALL BE CONDUCTED IN ACCORDANCE WITH THE
FLORIDA APPELLATE RULES. THE NOTICE OF APPEAL MUST BE FILED
WITHIN 30 DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

COPIES FURNISHED:

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