

EMERALD COAST UTILITIES AUTHORITY

EMERALD COAST UTILITIES
AUTHORITY,

Petitioner,

v.

ROBERT D. BOYD, II,

Respondent.

DOAH Case No.: 18-271

DIVISION OF
ADMINISTRATIVE HEARINGS

2018 OCT 23 PM 2:10

FILED

FINAL ORDER

Emerald Coast Utilities Authority (hereinafter "ECUA"), terminated Robert D. Boyd, II (hereinafter either "Boyd" or "Respondent"), from his employment with ECUA via a letter dated May 11, 2018. Boyd timely requested a hearing regarding that termination, and the case was forwarded to the Florida Division of Administrative Hearings. A formal hearing was held on August 17, 2018 in Pensacola, Florida, before Garnett W. Chisenhall, Administrative Law Judge with the Florida Division of Administrative Hearings.

On September 17, 2018 Administrative Law Judge Chisenhall submitted a Recommended Order, which included Findings of Fact and Conclusions of Law. As one of his ultimate Findings of Fact, Judge Chisenhall concluded "the undisputed evidence indicates that [Boyd] worked 9.75 hours on April 4, 2018, rather than the 11 hours indicated on his time sheet." Accordingly, the Administrative Law Judge recommended that Boyd be found to have violated Section B-3 (attendance records), Section B-13A(4) (conduct unbecoming an ECUA employee), Section B-13A(13) (falsification of records), and Section B-13A(33) (violation of ECUA rules or guidelines or state or federal law) of the ECUA Human Resources Manual.

The parties were subsequently afforded the opportunity to present written argument prior to the rendering of this Final Order. The time-frame within which to present submissions has expired, and none have been received.

BASED ON THE FOREGOING, it is ORDERED:

1. That the September 17, 2018 Recommended Order submitted to the Emerald Coast Utilities Authority by the Administrative Law Judge be, and is hereby, adopted and made a part of and incorporated in this Order, with the following correction: The first numbered paragraph under Findings of Fact is stricken and replaced with the following:

1. ECUA is a public utility that provides water and wastewater services to customers in Escambia County as well as sanitation services to customers in Escambia and Santa Rosa Counties.

Otherwise, the Recommended Order is adopted in its entirety.

2. Consistent with the Recommended Order, I find that Respondent violated Section B-3 (attendance records), Section B-13A(4) (conduct unbecoming an ECUA employee), Section B-13A(13) (falsification of records), and Section B-13A(33) (violation of ECUA rules or guidelines or state or federal law) of the ECUA Human Resources Manual.

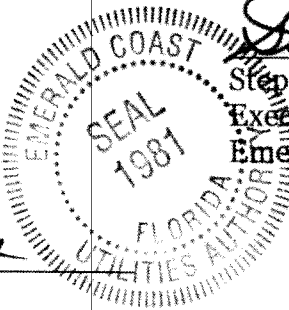
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3. I further find that the termination of Respondent is appropriate and warranted. Accordingly, the termination of the employment of Robert D. Boyd, II is hereby upheld and Affirmed, and he shall go forth without day.

DONE AND ENTERED this 4th day of October, 2018.

[SEAL]

Sh. J. Hamme



Stephen E. Sorrell
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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