

**STATE OF NORTH CAROLINA  
COUNTY OF FORSYTH**

**IN THE OFFICE OF  
ADMINISTRATIVE HEARINGS  
13 OSP 17182**

**ELAINE ROUSE,**

**Petitioner,**

**v.**

**WINSTON-SALEM STATE UNIVERSITY,**

**Respondent.**

**FINAL DECISION**

This contested case was heard before the Honorable Selina M. Brooks, Administrative Law Judge, on 19 May 2014, 20 May 2014, and 12 June 2014, in High Point, North Carolina.

**APPEARANCES**

**FOR RESPONDENT:** Matthew Tulchin  
Assistant Attorney General  
N.C. Department of Justice  
P.O. Box 629  
Raleigh, N.C. 27602

**FOR PETITIONER:** David B. Puryear, Jr.  
Puryear and Lingle, PLLC  
Adams Farm Professional Center  
5501-E Adams Farm Lane  
Greensboro, N.C. 27407

**EXHIBITS**

**Admitted for Respondent:**

<b>Ex.</b>	<b>Description</b>	<b>Date</b>
1	Rouse Work Plan and Appraisal Form	6/1/11 - 5/31/12
2	Memo from Rotunda Eaton to Rouse, Re: Notice to Attend a Pre-	3/21/13

	Disciplinary Conference	
3	Memo from Rotunda Eaton to Rouse, Re: Notice of Placement on Investigatory Status with Pay	3/22/13
4	Letter from Rotunda Eaton to Rouse, Re: Formal notification to report to O'Kelly Library and reminder that you are on Investigatory Status with Pay	3/28/13
5	Memo from Rotunda Eaton to Rouse, Re: Disciplinary Decision of Dismissal	4/3/13
6	Time Sheets	8/12 -1/13
7	Calendars	9/12 – 1/13
8	Notice of Accident to Employer and Claim of Employee, Representative, or Dependent	3/25/13
9	2009 Rouse Written Warnings	1/28/09
10	Email from Rotunda Eaton to Camille Kluttz-Leach, Re: Post Office Report on Rouse's shortage	5/21/13
12	Letter from Camille Kluttz-Leach to Rouse, Re: Post Office Audit – Missing Money	6/4/13
14A	Picture of Petitioner Sleeping on the Job	1/11/13
15	Email from Rotunda Eaton to Rouse; Re: Comp Time with Overtime Compensation policy attached	7/20/12
16	Email from Rotunda Eaton to Rouse; Re: Time Sheet	8/6/12
17	Minutes from Post Office meeting	8/14/12
18	Email between Rouse and Rotunda Eaton; Re: Overtime work	8/28/12
19	Email from Stephanie Payne-Spady to Rotunda Eaton, Re: Untimely package delivery for Saidah Payne-Spady with attachments	5/7/13
20	Email between Student and Rotunda Eaton, Re: Post Office. Lost Kindle Fire Package.	1/23/13 - 3/7/13
21	Email between Brenda Peters and Rotunda Eaton, Re: Lost Kindle Fire Package	1/24/13 – 2/1/13
22	Email from Chevara Orrin to Nathan Thompson, Re: WSSU Post Office Stamp Initiative and Reward Process Concerns	3/19/12
23	Email between Nathan Thompson and Chevara Orrin, Re: LRG Licensing & Post Office Stamp Discrepancy	3/20/12
24	Email between Rouse, Rotunda Eaton, and Nathan Thompson, Re: Comp Time	8/6 – 8/9/12
25	Email between Rouse, Rotunda Eaton, and Nathan Thompson, Re: Short staffed	3/4/13
26	Email between Miguel Rush, Calvin Holloway, Rouse, Rotunda Eaton, and Nathan Thompson, Re: Meeting with Supervisor	10/3/13 – 11/7/13
27	Petitioner's Date Book	2012-2013

**Admitted for Petitioner:**

1	None	
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**WITNESSES**

**Called by Respondent:**

Ms. Rotunda Eaton  
Mr. Nathan Thompson  
Mr. Calvin Holloway

**Called by Petitioner:**

Ms. Elaine Rouse

**ISSUES**

1. Whether Respondent had just cause to dismiss Petitioner.

**ON THE BASIS** of careful consideration of the sworn testimony of witnesses presented at the hearing, documents received and admitted into evidence, and the entire record in this proceeding, the undersigned makes the following findings of fact. In making these findings, the undersigned has weighed all the evidence and has assessed the credibility of the witnesses by taking into account the appropriate factors for judging credibility, including but not limited to the demeanor of the witness; any interest, bias or prejudice the witness may have; the opportunity of the witness to see, hear, know and remember the facts or occurrences about which the witness testified; whether the testimony of the witness is reasonable; and whether such testimony is consistent with all other believable evidence in the case. In the absence of a transcript, the Undersigned reviewed her notes to refresh her recollection.

**FINDINGS OF FACT**

1. The Office of Administrative Hearings has personal and subject matter jurisdiction over this contested case pursuant to Chapters 126 and 150B of the North Carolina General Statutes.
2. Petitioner Elaine Rouse was a permanent State employee subject to Chapter 126 of the North Carolina General Statutes.
3. Respondent Winston-Salem State University (“WSSU” or “the University”) is subject to Chapter 126 and was Petitioner’s employer.

4. Petitioner began her employment with WSSU in 2005 when she was hired as a Mail Clerk to work in the University Post Office. The University Post Office is a contractor station staffed by University employees.
5. Prior to working at WSSU, Petitioner spent approximately 15 years working for the United States Postal Service (USPS) as a mail handler and mail clerk.
6. In 2006, Petitioner was promoted to the position of Support Service Supervisor by Mr. Norman Williams and given responsibility for managing the day-to-day operations of the University Post Office and its staff. Petitioner had never supervised employees prior to becoming Supervisor.
7. Petitioner reported to Mr. Williams until 2011, when she began reporting to Ms. Rotunda Eaton, Assistant Director of Business Services. At all times during the relevant time period, Ms. Eaton was the Assistant Director of Business Services. As Assistant Director, Ms. Eaton was responsible for overseeing the University Post Office and the University's auxiliary services which included the ticket office, book store, copying service and food service.
8. As Assistant Director of Business Services, Ms. Eaton managed the permanent staff working in the post office, ticket office and book store. Ms. Eaton managed three supervisors, including Petitioner, and approximately seven staff members. The copying services and food services were managed by outside vendors.
9. Ms. Eaton has worked at the University for approximately ten years. She began her employment with the University in the Department of University Advancement, doing fundraising. In 2009, she became Assistant Director of Business Services and, in 2011, was asked to assume responsibility for overseeing the post office. Prior to working at the University, Ms. Eaton worked at North Carolina Baptist Hospital as a financial analyst where she supervised a large group of employees.
10. At all times during the relevant period, Ms. Eaton reported to Mr. Nathan Thompson, Associate Controller and Director of Business Finance. Mr. Thompson managed Business Services, Payroll, Student Accounts, and Purchasing. Mr. Thompson managed three direct reports and a staff of approximately twenty-two people. Mr. Thompson joined the University in 2009 from North Carolina AT&T where he was Vice President, Finance.
11. As Supervisor of the University Post Office, Petitioner's job responsibilities included managing post office operations, providing good customer service, supervising staff, including managing time sheets and controlling overtime, planning daily work assignments for employees, determining immediate and short-term staffing needs for the post office, and making department changes as need. Petitioner was also responsible for making sure that all the equipment and software in the post office was properly updated and in working condition. This included the software and equipment used to track packages. **Resp. Ex. 1**
12. As Supervisor, Petitioner was responsible for managing the post office staff during the relevant time period which staff consisted of three Mail Clerks: Mr. Daryl Chisholm, Ms. Brenda Carroll, and Mr. Miguel Rush.

13. Petitioner was also responsible for accurately keeping track of the hours she worked. Employees at the University would receive time sheets at the beginning of every month. The employees were responsible for recording the hours they worked each day and to record any leave that was taken during the month. The employees certified that the hours they worked and listed on their timesheet had been recorded accurately and that all other information provided was correct. Once an employee signed the time sheet, it went to the employee's supervisor for approval and then was submitted to payroll for processing. **Resp. Ex. 9**
14. When Ms. Eaton assumed responsibility for the Post Office, she was aware that there were issues with the management of the Post Office, including the failure of Petitioner to report workplace issues to her supervisor. She also knew that Petitioner had received written warnings as a result of these issues. Ms. Eaton met with Petitioner and assured her that she would be given a fresh start and told Petitioner that she was relying on Petitioner to implement the changes necessary to improve the operations of the Post Office.
15. During the Summer of 2012, Ms. Eaton was notified by the University's Human Resources Department that Petitioner and the Post Office staff had accumulated a large amount of compensatory time. Compensatory time is awarded to certain University employees for working in excess of forty hours in a work week on an hour-for-hour basis. Compensatory time should be used before any vacation or bonus leave. **Resp. Ex. 15** Ms. Eaton was surprised that her staff had accumulated so much compensatory time because they were required to get approval prior to working overtime. As a result, Ms. Eaton began to more closely monitor and check the post office staff's time sheets, including Petitioner's time sheets.
16. In July of 2012, Ms. Eaton reminded Petitioner that she and the rest of the post office staff needed to get approval prior to working overtime, and that compensatory time would only be awarded if it had been approved. **Resp. Exs. 2 & 15** Ms. Eaton would typically provide approval in writing, via an e-mail. **Resp. Ex. 18** Ms. Eaton provided Petitioner with a copy of the University's Overtime Compensatory Time Policy, and also counseled Petitioner regarding the importance of accurately maintaining her time. **Resp. Exs. 2 & 15**
17. Petitioner did not complete her time sheet on a daily basis and would wait until the end of the month to fill in her hours. Petitioner had a personal datebook/calendar in which she would list some of the hours that she worked and some of her leave time. **Resp. Ex. 27** Petitioner acknowledged that she did not use the calendar on a regular basis and a review of the calendar shows it was only used sporadically.
18. Ms. Eaton reiterated her instructions regarding compensatory time and time sheets in an email to Petitioner on August 6, 2012. **Resp. Ex. 16** Ms. Eaton also reviewed the rules regarding compensatory time during a Post Office staff meeting on August 14, 2012. **Resp. Ex. 17**
19. On August 11, 2012, and August 22, 2012, Petitioner recorded having worked overtime hours for which she was not approved. **Resp. Exs. 2 & 6** Petitioner also signed off on Ms. Carroll's timesheet approving four hours of compensatory time even though that time had

not been approved. **Resp. Ex. 2**

20. Ms. Eaton consulted with Mr. Calvin Holloway, Employee Relations Manager, regarding the issue of Petitioner's time. Mr. Holloway recommended that Ms. Eaton more closely monitor Petitioner's time and her time sheets. Ms. Eaton followed Mr. Holloway's advice and began to more closely monitor Petitioner's hours, and the dates and time periods she was absent from work. This information was recorded on a calendar maintained by Ms. Eaton's assistant. **Resp. Ex. 7**. Ms. Eaton would also visit or call the Post Office on a regular basis and would note when Petitioner was absent. **Resp. Ex. 7**
21. Despite Ms. Eaton's counseling and directives regarding compensatory time and the need for accurate time sheets, Petitioner listed having worked hours on her time sheet for certain days even though Petitioner was not a work or not working during that time. Petitioner also recorded compensatory time despite not having received prior approval for doing so. **Resp. Exs. 2, 3, 5, 6 & 7**
22. Mr. Holloway explained that the accumulation of compensatory leave is beneficial to better positioning for retirement. Accumulated compensatory leave can be used in place of vacation and sick leave. An individual may accumulate vacation leave and all vacation hours in excess of 240 are converted to sick leave at the end of the year.
23. Mr. Holloway also noted that upon retirement, all remaining sick leave is counted towards the employee's years of service; twenty days is equivalent to one month of service. These sick hours can help an individual retire earlier or increase the monthly retirement benefit paid to the employee.
24. On September 18, 2012, Petitioner recorded having worked eight hours, even though she only worked five hours. On November 1, 2012, Petitioner recorded having worked seven hours even though she only worked 2.5 hours that day. On November 14, 2012 and December 10, 2012, Petitioner recorded having worked full days when in fact she had not worked those days. **Resp. Ex. 6** Petitioner testified that on December 17, 2012, she only worked five hours but she recorded eight hours on her time sheet.
25. On January 30, 2013, Petitioner recorded having worked nine hours when she in fact only worked eight hours. Petitioner recorded that she began work that day at 7:30am. In support of her claim that the time initially listed on her time sheet was accurate, Petitioner noted that her personal calendar lists Mr. Rush as being off that day. Because Mr. Rush works the early shift, Petitioner claimed that she always began work at 7:30am on the days Mr. Rush had off. Ms. Eaton knew that Petitioner did not begin work that day until 8:30am because the two had arrived to work together on that date. Moreover, there were several other days when Mr. Rush was off from work and Petitioner did not begin work at 7:30am. **Resp. Exs. 6, 7 & 27**
26. Mr. Thompson personally observed Petitioner's failure to comply with instructions regarding working compensatory time. Late in the afternoon of January 31, 2013, Mr. Thompson asked Petitioner if the post office staff could help him with a time-sensitive bulk mailing. He told Petitioner how many envelopes needed to be mailed and Petitioner assured

him that the project would not take very long. Mr. Thompson understood that it was the end of the work day and said that he would approve any overtime, if necessary.

27. Petitioner and Ms. Carroll both agreed to help Mr. Thompson with the project. Mr. Thompson brought the boxes containing the envelopes that needed to be mailed and left them on the service counter of the Post Office. Petitioner assured him that the project could be completed within a couple of hours. Mr. Thompson returned a couple of hours later to check on the progress and was surprised to discover that Petitioner and Ms. Carroll had not started with his project. Petitioner explained that they were using the time to catch up on other work even though Mr. Thompson had only authorized them to work overtime for his project. Mr. Thompson instructed Petitioner and Ms. Carroll to focus on completing his mailing.
28. At around 11:00pm, having been informed by Petitioner that the project was almost complete, Mr. Thompson went home. Petitioner called Mr. Thompson at home at 2:30am to tell him that the project had just been completed.
29. On October 3, 2012, Mr. Holloway received a complaint via e-mail from Mr. Rush about Petitioner and her management of the staff at the Post Office. **Resp. Ex. 26** Mr. Thompson, Ms. Eaton, and Petitioner were copied on Mr. Rush's e-mail. This was not the first time Human Resources and management had received a complaint from Post Office staff regarding Petitioner. **Resp. Exs. 22 & 23**
30. Mr. Holloway testified that he had counseled Petitioner in the past regarding her treatment of employees. Ms. Eaton also had counseled Petitioner regarding the management of the Post Office. **Resp. Exs. 1 & 2** Petitioner had been instructed to take management/leadership training classes. Petitioner was selected to participate in the Chancellor's leadership training initiative, but she did not complete the classes. Petitioner stated that she could not attend the leadership training because she needed to be at the Post Office at all times and there was no one available to cover for her. Petitioner admitted that the Post Office functioned without her when she was at lunch and when she was out sick or on vacation.
31. As a result of Mr. Rush's complaint, and the realization that there was an ongoing problem with the management of the Post Office, Mr. Thompson, Mr. Holloway, and Ms. Eaton conducted an investigation and interviewed the Post Office staff. **Resp. Ex. 2, 3 & 5**
32. During the morning of January 11, 2013, Petitioner called Ms. Eaton and told her that the Post Office was busy and they needed staffing help. Later that morning, Ms. Eaton decided to check in at the Post Office. When she entered the back room of the Post Office, she observed Petitioner reclining in her chair, with her feet up on another chair and her eyes closed. **Resp. Exs. 2, 3 & 5** It appeared to Ms. Eaton that Petitioner was asleep. Ms. Eaton & was surprised to find Petitioner like this considering the phone call earlier that morning. Ms. Eaton did not disturb Petitioner, but decided to take a picture to document the event. **Resp. Ex. 14A** Petitioner initially denied that Ms. Eaton had seen her asleep. After she was shown the picture that Ms. Eaton had taken, Petitioner stated that she was not asleep, but was simply "resting her eyes."

33. The back room was used by the Post Office staff as a break room and although it is in the back of the Post Office and away from the front entrance and service counter, students accessing their mailboxes could see into the room and observe Petitioner resting.
34. Ms. Eaton consulted Mr. Holloway regarding whether there was a University policy about sleeping on the job. Mr. Holloway informed Ms. Eaton that there was not a written policy about sleeping, but that such behavior was unprofessional and inappropriate, particularly for a supervisor in a salaried position.
35. On March 6, 2013, Ms. Eaton was walking through the Post Office with a guest at approximately 3:00pm when she again observed Petitioner in the back room resting. The other Post Office employees were busy working. Petitioner had her head down on the desk with a yellow sweater draped over her head. Petitioner told Ms. Eaton that she was on her lunch break. Ms. Eaton spoke with the Post Office staff and learned that Petitioner had taken her lunch break earlier that day.
36. On January 23, 2013, Ms. Eaton received a complaint from a student regarding a missing package at the Post Office. Ms. Eaton investigated the complaint and spoke with the student, the student's stepmother, and Petitioner. Ms. Eaton learned that the student had left her Kindle Fire at home during the Thanksgiving break and her mother had mailed it to her through the USPS with a tracking number. The student checked her mailbox several times, but was told by the Post Office staff that the package had not arrived. **Resp. Exs. 20 & 21**
37. The package actually had arrived at the University and Petitioner had signed for it, but Petitioner did not enter it into the University tracking system. The University tracking system is separate from the tracking system used by the USPS. The University's tracking software is specially designed so that students and others within the University system are notified when they receive a package. Petitioner had resisted using the University's tracking system because it was relatively new and she was unfamiliar with it. Because Petitioner had not entered the package into the University system, the student was not alerted that her package had arrived.
38. The student eventually tracked the package through the USPS and discovered that it had been delivered to the University several days before. On December 7, 2012, the student spoke with Petitioner, who informed the student that the package had arrived, but the box had been torn open and there was nothing in the box. Petitioner had accepted the package and signed for it even though the box was empty.
39. The student made repeated attempts to discover what had happened with the Kindle Fire. Petitioner promised the student that she would investigate the incident and attempt to find out what happened to the missing Kindle Fire. The student provided Petitioner with her cell phone number before leaving campus for the Winter Break. Petitioner never contacted the student about the missing Kindle Fire.
40. The student followed up with the Petitioner regarding the missing Kindle Fire in January 2013 when she returned to campus. Petitioner had not investigated any further and did not have any additional information. Petitioner informed the student that the package should

have been insured. Petitioner also mentioned this to the student's stepmother when they spoke on the phone. The student's stepmother complained to Ms. Eaton that Petitioner had been rude to her over the telephone and questioned Petitioner's handling of the package.

41. During Ms. Eaton's investigation, she learned that the package was refused by the University Post Office on January 14, 2013, more than a month and a half after it had been received. Petitioner explained that she was following USPS procedures and only refused the package after the student informed her in January that she did not want the empty box.
42. Ms. Eaton believed that Petitioner did not handle the situation well and her poor customer service reflected badly on the University. Because of Petitioner's poor customer service and the length of time it took to resolve the situation, the University appeared culpable. Mr. Thompson and Ms. Eaton felt the University was ethically obligated to reimburse the student, and did reimburse the student \$250.00 for the Kindle Fire.
43. Ms. Eaton consulted with Mr. Holloway and Mr. Thompson regarding Petitioner's conduct and they decided that disciplinary action was warranted. On March 22, 2013, Petitioner attended a Pre-disciplinary Conference conducted by Ms. Eaton, Mr. Thompson, and Mr. Holloway. Petitioner was provided an opportunity to respond to the allegations against her. After the conference, Petitioner was placed on Investigatory Status with Pay while management decided on the appropriate disciplinary measures. **Resp. Exs. 3 & 5**
44. Petitioner was instructed not to come to work, perform any work, or contact anyone involved at the Post Office while she was on Investigatory Status. **Resp. Ex. 3** Petitioner, in direct violation of these instructions, signed a North Carolina Department of Administration Workers' Compensation form for Ms. Carroll on March 25, 2013, while she was on Investigatory Status. **Resp. Ex. 8** Petitioner said that she had signed the form while she and Ms. Carroll were out at dinner one night. Petitioner stated that she was friends with Ms. Carroll and did not consider signing the form to be work or work related. Petitioner acknowledged that she signed the form as Ms. Carroll's supervisor.
45. While Petitioner was on Investigatory Status, she was asked to provide the University with the combination to the safe in the Post Office. The safe contained cash, stamps, postage and other materials necessary for the daily operations of the Post Office. Petitioner was the only one who had the combination to the safe. **Resp. Ex. 5** Petitioner refused to give the combination to the University and instead dropped the combination off at the local USPS.
46. On April 3, 2013, Petitioner was dismissed from employment due to unacceptable personal conduct and unsatisfactory job performance. **Resp. Ex. 5**
47. On April 9, 2013, Ms. Deborah Crawford, an employee from the USPS, conducted an audit of the University Post Office safe after receiving the combination from Petitioner. Ms. Eaton and a member of the University Police Department were present during the audit and Ms. Eaton verified the results. They discovered that there was \$168 worth of stamps missing from the safe and a combination of missing stamps and money valued at \$120 missing from Petitioner's cash drawer. **Resp. Exs. 10 & 12** Petitioner was the only person with access and the credentials on campus to access the safe. The USPS informed the

University that it is liable for the shortage. The University demanded that Petitioner repay the shortage, but Petitioner has not done so.

48. The Undersigned finds the testimony of Mr. Holloway, Mr. Thompson, and Ms. Eaton to be credible.
49. The Undersigned finds the testimony of Petitioner to be less credible.

### **CONCLUSIONS OF LAW**

1. The Office of Administrative Hearings has personal jurisdiction over the issue in this contested case pursuant to Chapter 126 and Chapter 150B of the North Carolina General Statutes.
51. The parties are properly before the Office of Administrative Hearings and there is no issue of improper procedure.
52. Respondent Winston-Salem State University is subject to Chapter 126 of the North Carolina General Statutes and is the former employer of Petitioner.
53. A “career state employee” is defined as a state employee who is in a permanent position appointment and continuously has been employed by the State of North Carolina in a non-exempt position for the immediate 24 preceding months. N.C. Gen. Stat. § 126-1.1
54. At the time of her discharge, Petitioner was a career State employee subject to the provisions of the State Personnel Act, N.C. Gen. Stat. § 126-1, *et seq.*
55. A career State employee may be dismissed only for just cause. N.C. Gen. Stat. §126-35(a). The State employer has the burden of showing by a preponderance of the evidence that there was just cause for dismissal. N.C. Gen. Stat. § 126-34.02(d); see also Teague v. N.C. Dep’t of Transp., 177 N.C. App. 215, 628 S.E.2d 395, disc rev. denied, 360 N.C. 581 (2006).
56. On the issue of just cause, Respondent has met its burden of proof to show it had just cause to dismiss Petitioner.
57. Pursuant to regulations promulgated by the Office of State Personnel, there are two bases for the dismissal of an employee for just cause: (1) unsatisfactory job performance; and (2) unacceptable personal conduct. 25 N.C.A.C. 01J .0604(b). However, “the categories are not mutually exclusive, as certain actions by employees may fall into both categories, depending upon the facts of each case.” 25 N.C.A.C. 01J .0604(c). Furthermore, “[n]o disciplinary action shall be invalid solely because the disciplinary action is labeled incorrectly.” Id.
58. An employee must receive at least two prior disciplinary actions before being dismissed for a current incident of unsatisfactory job performance. 25 N.C.A.C.01J .0605(b).

However, an employee may be dismissed without any prior warning or disciplinary action when the basis for dismissal is unacceptable personal conduct. 25 N.C.A.C. 01J 0608(a). One instance of unacceptable conduct constitutes just cause for dismissal. Hilliard v. North Carolina Dep't of Corr., 173 N.C. App. 594, 597, 620 S.E.2d 14, 17 (2005).

59. Unacceptable personal conduct, as defined by the Office of State Personnel, includes insubordination, "conduct for which no reasonable person should expect to receive prior warning," and "conduct unbecoming a state employee that is detrimental to state service." 25 N.C.A.C. 01J .0614(8). Insubordination is defined as the "willful failure or refusal to carry out a reasonable order from an authorized supervisor." 25 N.C.A.C. 01J .0614(7)
60. In the case of "conduct unbecoming a state employee that is detrimental to state service," the State employer is not required to make a showing of actual harm, "only a potential detrimental impact (whether conduct like the employee's could potentially adversely affect the mission or legitimate interests of the State employer)." Hilliard, 173 N.C. App at 597, 620 S.E.2d at 17.
61. Determining whether a public employer had just cause to discipline its employee requires two separate inquiries: first, whether the employee engaged in the conduct the employer alleges, and second, whether the conduct constitutes just cause for the disciplinary action taken. N.C. Dep't of Env't & Natural Res. V. Carroll, 358 N.C. 649, 599 S.E.2d 888 (2004).
62. Ms. Eaton's request that Petitioner not work overtime without prior approval, and file accurate time sheets that did not reflect unauthorized compensatory time or hours that were not worked was a reasonable order from an authorized supervisor.
63. Petitioner wilfully failed or refused to carry out Ms. Eaton's order that she submit accurate time sheets.
64. Petitioner's conduct in disobeying her supervisor's reasonable order constituted unacceptable personal conduct, which justified dismissal.
65. Moreover, Petitioner's falsifying time on time sheets and sleeping on the job constituted conduct "for which no reasonable person should expect to receive prior warning," interfered with the business of the Post Office, and was unbecoming a state employee.
66. Similarly, Petitioner's conduct with regard to the missing Kindle Fire was conduct unbecoming a state employee that was detrimental to the University.
67. Respondent followed the procedures required before dismissing Petitioner for unacceptable personal conduct.

On the basis of the above Conclusions of Law, the undersigned issues the following:

**DECISION**

Based on the foregoing Findings of Fact and Conclusions of Law, the undersigned determines that Respondent has sufficiently proved that it had just cause to dismiss Petitioner based on her unacceptable personal conduct and unsatisfactory job performance and her dismissal is therefore **UPHELD**.

**NOTICE**

This Final Decision is issued under the authority of N.C.G.S. § 150B-34. Pursuant to N.C.G.S. § 126-34.02, any party wishing to appeal the Final Decision of the Administrative Law Judge may commence such appeal by filing a Notice of Appeal with the North Carolina Court of Appeals as provided in N.C.G.S. § 7A-29(a). The appeal shall be taken within 30 days of receipt of the written notice of final decision. A notice appeal shall be filed with the Office of Administrative Hearings and served on all parties to the contested case hearing.

This, the 26<sup>th</sup> day of August, 2014.

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Honorable Selina M. Brooks  
Administrative Law Judge