**TAUNIA HALE-SMITH,**

**Grievant,**

**v. Docket No. 98-29-075**

**MINGO COUNTY BOARD OF EDUCATION,**

**Respondent.**

# D E C I S I O N

**Grievant, Taunia Hale Smith, relates in her Statement of Grievance:**

> **Grievant did not want to resign from Mingo County Schools as a secretary. Her principal wrote and submitted a resignation to the board. The board accepted this resignation. Grievant seeks reinstatement to Mingo county schools as a secretary with backpay/benefits.**

**This grievance was denied at Level II stating that because Grievant was not an employee she did not have the right to grieve the acceptance of her resignation. Level III was bypassed pursuant to W. Va. Code § 18-29-4(c). Grievant appealed to Level IV, and a Level IV hearing was held on August 19, 1998.** (See footnote 1) **This case became mature for decision on September 21, 1998, after receiving Grievant's proposed findings of fact and conclusions of law.** (See footnote 2)

## Issues and Arguments

**Grievant alleges that on her first day in a new position, her supervisor, Principal Thomas Sloan, called her into the office before she left work and told her she would have to stay late at work every night, have to perform the duties of the Dean of Students, would have to learn the new computer systems on her own, and that he was afraid Grievant would make mistakes and get him fired by the State Department of Education. Because of these requirements, Grievant stated she decided, at his recommendation, to resign from the position and wait for a position in an elementary school where she would be more comfortable. To that end, she called her mother who composed, typed, and signed Grievant's resignation letter. Grievant**

**intended only to resign from the Burch Middle School ("BMS") position and wanted to be replaced on the Preferred Recall List ("PRL") and the substitute list.**

**MCBOE contends Grievant voluntarily resigned from her secretarial position, and its past practice was, after an individual accepted a regular position, and then resigned, they no longer had a position or an employment relationship with MCBOE. MCBOE also asserts that Principal Sloan did not make the above-stated allegations to Grievant, but that Grievant, when faced with a list of duties she was expected to perform and could not, chose to resign. When she found out later that her resignation severed her relationship with MCBOE instead of placing her on the PRL and substitute list, she filed this grievance. MCBOE also contends Grievant, as a non-employee, has no right to grieve.**

**Discussion of Credibility**

**As this grievance does not involve a disciplinary matter, Grievant has the burden of proving her grievance by a preponderance of the evidence. Procedural Rules of the W. Va. Educ. & State Employees Grievance Bd. 156 C.S.R. 1 § 4.19 (1996); Holly v. Logan County Bd. of Educ., Docket No. 96-23-174 (Apr. 30, 1997); Hanshaw v. McDowell County Bd. of Educ., Docket No. 33-88-130 (Aug. 19, 1988). See W. Va. Code § 18-29-6.**

**The key issue to resolve is the question of witness credibility, because the testimony of the witnesses varied widely. The testimony of Principal Sloan and Grievant as to what happened at the end of the first day of work is so incredibility different as to make clear that one party to the conversation is lying.**

**An Administrative Law Judge is charged with assessing the credibility of the witnesses that appear before her. Lanehart v. Logan County Bd. of Educ., Docket No. 95- 23-235 (Dec. 29, 1995); Perdue v. Dept. of Health and Human Resources/Huntington State Hosp., Docket No. 93-HHR-050 (Feb. 4, 1993). "The fact that [some of] this testimony is offered in written form does not alter this responsibility." Browning v. Mingo County Bd. of Educ., Docket No. 96-29-154 (Sept. 30, 1996). The United States Merit System Protection Board Handbook ("MSPB Handbook") is helpful in setting out factors to examine when assessing credibility. Harold J. Asher and William C. Jackson, Representing the Agency before the United States Merit Systems Protection Board 152-53 (1984). Some factors to consider in**

**assessing a witness's testimony are the witness's: 1) demeanor; 2) opportunity or capacity to perceive and communicate; 3) reputation for honesty; 4) attitude toward the action; and 5) admission of untruthfulness. Id. Additionally, the administrative law judge should consider 1) the presence or absence of bias, interest, or motive; 2) the consistencyof prior statements; 3) the existence or nonexistence of any fact testified to by the witness; and 4) the plausibility of the witness's information. Id.**

**The undersigned Administrative Law Judge had an opportunity to observe the demeanor of these witnesses and to assess their words and actions during their testimony. About the after school-discussion, Grievant stated:**

> **He said he prayed and prayed to talk to me and everything. He was worried I got the position. The State Department was taking over and he was all to pieces because the State Department was taking over. He was scared I was gonna do somethin' to have him fired, and he said if they come in . . . he just harassed me to death that day . . . and he said if I was doing somethin' and the State Department come in, and if I didn't do it right they would fire me right there. And he thought I should just give that job up and wait for an elementary job. And uh, and he just kept on goin' that he was scared and and he didn't think I should have the job, and he didn't want me to have the job and . . . and he just . . . I didn't know why he didn't want me to have it.**

**Grievant also stated Principal Sloan told her she would have to stay late at work every night, till 8 or 9 p.m., would have to perform the duties of the Dean of Students, would have to learn the computer systems on her own, and that he was afraid Grievant would make mistakes and get him fired by the State Department of Education.**

**Principal Sloan's version of the conversation was that he called Grievant in at the end of her first day to give her a list of her required duties. Grievant reviewed the list and stated she could not do many of the identified duties. He was not surprised by this comment because Grievant had substituted at BMS in October 1997, and she could not perform the required duties at that time. Grievant informed him she might resign from the position and wanted to talk to her mother about it. Principal Sloan offered to stay late to help her learn the computer systems, but explained that with his Dean of Students on medical leave, he would not have time to help her with this during the day. Grievantexplained she could not stay because of her child. He does not remember any discussion of an elementary position. He understood Grievant did not intend to resign from MCBOE, but wished to resign from her current position.**

I find Grievant's account of the events to be implausible. It is impossible to believe that Principal Sloan would tell a secretary, who he knew had difficulty performing the expected secretarial tasks, that she must assume the duties of the Dean of Students. I also find it implausible that Principal Sloan would tell her she must stay every night until 8 p.m., or that he would be "all to pieces"and "scared", as described by Grievant, because the State Department of Education was thinking about taking control of MCBOE. (See footnote 3)

Additionally, Grievant's reputation for honesty was seriously compromised when she stated under oath that she had never had a negative evaluation. After Grievant made these allegations, MCBOE presented a copy of an Evaluation, Improvement Plan, and other letters indicating Grievant had multiple difficulties in performing her job at Cline Grade School, where she worked as a long-term substitute employee. (See footnote 4) These documents were presented to impeach Grievant's credibility, not to demonstrate Grievant's ability, or lack thereof, to perform the duties of the position. Additionally, these documents demonstrated that Grievant had difficulty with leave abuse. Grievant compounded this untruth by saying she had never seen these documents and everyone had problems with this particularprincipal. (See footnote 5) Later, through her post hearing submissions, Grievant admitted she had received the Improvement Plan and other documents.

In assessing Principal Sloan's demeanor he appeared to be forthright, and calm. His testimony was consistent and plausible. Additionally, he acknowledged he did not remember every portion of this discussion.

The next area where credibility plays an important role in this grievance is the conversations between Grievant's mother, Mrs. Sue Blankenship, and Principal Sloan, as well as to some extent, the conversation between Mr. Curtis Blankenship, Grievant's step- father, and Principal Sloan. Those conversations will now be discussed and a decision made on the credibility of those individuals.

Mrs. Blankenship stated that after Grievant left work Grievant called her mother crying, shaking, (See footnote 6) and very upset about how Principal Sloan had treated her. She recounted the above-cited discussion from her point of view. Mrs. Blankenship's then fiancee, andpresent husband, Mr. Blankenship, called Principal Sloan at his place of business to ask him about the discussion, as he had known Principal Sloan for a long time and considered

**him a friend. Mr. Blankenship is a plumber with MCBOE.**

**Mr. Blankenship asked Principal Sloan about the discussion and informed him that Grievant was very upset. He asked Principal Sloan if he thought Grievant could do the required duties, and Principal Sloan indicated he did not think so. He discussed the duties with Mr. Blankenship, and Mr. Blankenship thought there was a lot to do, but did not think the expectations were unreasonable. Principal Sloan's and Mr. Blankenship's testimony varies in two respects. First, Principal Sloan states he told Mr. Blankenship Grievant could learn to do the duties, and Mr. Blankenship did not state that information in his testimony. Second, Mr. Blankenship stated Principal Sloan thought Grievant might do better in an elementary position and recommended Grievant wait for one of those jobs. Principal Sloan says he did not say this.**

**Mr. Blankenship later called Principal Sloan back and told him Grievant was resigning from her position at BMS. Both agree on this testimony. In assessing credibility between Mr. Blankenship and Principal Sloan, their recollections were basically the same on key points, and Mr. Blankenship did not report that Grievant would have to be Dean of Students, and stay late every day. Both appeared to end the conversation on the same note, that it would be difficult for Grievant to perform the duties of the position.**

**. Mrs. Blankenship also talked to Principal Sloan and her version of this conversation differed widely from Principal Sloan's version. She stated she offered to switch positions with her daughter, and he told her she could not do the job either. Principal Sloan indicates this switch was agreeable with him, and that he would have been pleased to havea secretary with her experience. Mrs. Blankenship states Principal Sloan repeated what she had been told by her daughter in terms of staying late and learning everything on her own. She repeated that Principal Sloan was very concerned about the State Department of Education, and Grievant did not need to be at his school. Principal Sloan stated he did not remember the entire conversation, but that he did say Grievant would have to stay late only if she wanted his help with the computer system, as he could not assist her during school time.**

**Although Mrs. Blankenship was present while Mr. Blankenship talked to Principal Sloan, apparently she did not hear the same things. The undersigned Administrative Law Judge does not find Mrs. Blankenship's testimony to be credible. Mrs. Blankenship, as a mother, is**

**interested in protecting her child, and from other indications that will be demonstrated in the rest of this Decision, it was not unusual for her to protect Grievant and actually do her work for her.** **(See footnote 7)**

**After a detailed review of the record in its entirety and keeping in mind the above discussed rulings on credibility, the undersigned Administrative Law Judge makes the following Findings of Fact.**

## Findings of Fact

**1. Grievant was employed as a secretary with MCBOE for several years. At the January 5, 1998 board meeting she was recalled from the preferred recall list and placed as the regular school secretary at Burch Middle School ("BMS").**

**2. Grievant accepted the position and began her duties on January 7, 1998.**

**3. At the close of work on that day, Principal Thomas Sloan asked to speak to Grievant about the duties she would be required to perform at the school.**

**4. Principal Sloan handed Grievant a list of required duties, and allowed Grievant to read over them. Grievant informed Principal Sloan that she was unable to perform many of these duties. Grievant was especially concerned about her ability to use the computer to complete the Financial and Lunch Reports.**

**5. Principal Sloan offered to stay after work to assist her to learn how to use these systems, but explained to Grievant that he could not help her with these duties during the day as his Dean of Students was going on medical leave, and he would be busy doing the work of two people.**

**6. Grievant had worked as a substitute school secretary for many years and the expectations set by Principal Sloan were in keeping with the duties expected of other school secretaries, especially the ability to complete the Lunch Reports.**

**7. Grievant explained she could not stay overtime and must leave when the bell sounded because she had a new baby.**

**8. She informed Principal Sloan that she was not sure she could continue in the BMS position and she might resign. 9. When Grievant got home that evening she called her mother, Mrs. Blankenship for advice. She was crying and very upset during this conversation.**

**Grievant informed her mother that Principal Sloan had told her she would have to stay late at work every night, have to perform the duties of the Dean of Students, she would have to learn the new computer systems on her own, and that he was afraid Grievant would make mistakes and get him fired by the State Department of Education.**

**10. Mrs. Blankenship's then fiancee, and present husband, Mr. Curtis Blankenship, called Principal Sloan at his place of business to ask him about the discussion as he had known Principal Sloan for a long time and considered him a friend. Mr. Blankenship is a plumber with MCBOE.**

**11. Mr. Blankenship informed Principal Sloan that Grievant was very upset. He asked Principal Sloan if he thought Grievant could do the required duties and Principal Sloan indicated he did not think so, but she could learn.**

**12. Mrs. Blankenship also talked to Principal Sloan and her version of this conversation differed widely from Principal Sloan's version. She offered to switch positions with her daughter and this switch was agreeable with Principal Sloan. Such a switch must be approved by the principals involved and by the Superintendent. Superintendent Everett Conn would not approve this switch.**

**13. Later in the evening, Mr. Blankenship again called Principal Sloan and indicated Grievant would resign from the BMS position.**

**14. Principal Sloan called Grievant the evening of the seventh, to confirm her decision to resign from BMS, as he had been directed to do by Superintendent Conn. 15. Grievant's mother, at Grievant's request, composed, typed, and signed Grievant's resignation letter. Grievant stated she did not write the letter because she did not have a computer or typewriter at her house. This letter is dated January 7, 1998, and was not received by MCBOE until January 13, 1998. This letter states:**

> **I am writing this letter to inform you that I rescind my request for the position of secretary at Delbarton Middle School (sic) due to circumstances beyond my control at this time. Please leave my name on the substitute list.**

**16. Grievant did not appear for work on January 8, 1998.**

**17. Principal Sloan informed Superintendent Conn of Grievant's verbal resignation and failure to appear at work on January 8, 1998. Pursuant to Superintendent Conn's directions he**

**wrote a letter to Assistant Superintendent Johnny Fullen explaining the events of January 7, 1998. Principal Sloan indicated Grievant was resigning her position at BMS.**

**18. At a special board meeting on January 8, 1998, MCBOE reviewed the situation and letter and accepted Grievant's verbal resignation.**

**19. It is the past practice of MCBOE and was the normal recommendation of Superintendent Conn, that when a regular employee accepted a position and subsequently resigned, their employment with the Board was severed.**

**20. In a letter dated January 21, 1998, to Assistant Superintendent Fullen, again composed, typed, and signed by Grievant's mother, Grievant stated that Principal Sloan had told her she would have to stay late at work every night, and have to perform the duties of the Dean of Students. She indicated Principal Sloan had no right to present her resignation to the Board, and blamed Principal Sloan for her severance from MCBOE. Sheindicated she did not tell him she was resigning from the system and stated her name should still be on the substitute list.** **(See footnote 8)**

**21. Grievant subsequently filed this grievance.**

**Discussion of Grievance**

**As this grievance does not involve a disciplinary matter, Grievant has the burden of proving her grievance by a preponderance of the evidence. Procedural Rules of the W. Va. Educ. & State Employees Grievance Bd. 156 C.S.R. 1 § 4.19 (1996); Holly v. Logan County Bd. of Educ., Docket No. 96-23-174 (Apr. 30, 1997); Hanshaw v. McDowell County Bd. of Educ., Docket No. 33-88-130 (Aug. 19, 1988). See W. Va. Code § 18-29-6.**

**Additionally, although both sides presented information about Grievant's work habits, this information is not included as the issue before the undersigned Administrative Law Judge is whether Grievant's employment with MCBOE was appropriately terminated when she resigned her position at BMS. Grievant and Principal Sloan agree that she did not wish to have her employment severed, and, indeed, Principal Sloan's letter to Mr. Fullen indicates she was resigning her position at BMS.**

**The first issue to resolve is whether Grievant can file this grievance. Respondent argues that because Grievant has resigned, she is no longer an employee and may not avail herself**

**of the grievance procedure.**

**The Grievance Board considers potential constructive discharge cases, which are similar in nature to those cases in which a respondent has terminated a grievant'semployment. It has been previously held that "whether an employer's conduct constitutes a constructive discharge and the grievant's status as an employee are inextricably intertwined." Ball v. W. Va. Alcohol Beverage Control Comm., Docket No. 90-ABCC-027 (June 15, 1990); See Daniels v. W. Va. Dept. of Health and Human Resources, Docket Nos. 94-HHR-1135/95-HHR-053 (May 31, 1995). Accordingly, the argument that Grievant cannot file a grievance in this situation is rejected.**

**The next issue, although not clearly pled, is whether Grievant might have been constructively discharged. In order to prove constructive discharge in West Virginia, the employee must "establish that working conditions created by or known to the employer were so intolerable that a reasonable person would be compelled to quit." Slack v. Kanawha County Housing & Redevelopment Auth., 188 W. Va. 144, 423 S.E.2d 547 (1992).**

**It is not necessary for the employee to show that the employer's actions were taken with a specific intent to cause the employee to quit. Slack, supra. However, to "determine whether an employee's act of resignation was the result of coercion, rather than a voluntary act, the circumstances surrounding the resignation must be examined in order to measure the ability of the employee to exercise free choice." McClung v. W. Va. Dept. of Public Safety, Docket No. 89-DPS-240 (Aug. 14, 1989). See Adkins v. Civil Service Comm'n, 171 W. Va. 132, 298 S.E.2d 105 (1982). See also Schultz v. Dept. of the Navy, 810 F.2d 1133 (Fed. Cir. 1987); Dumas v. Merit Systems Protection County Bd. of Educ., 789 F.2d 892 (Fed. Cir. 1986). Moreover, whether working conditions are intolerable must be assessed by the objective standard of whether a "reasonable person" in the employee's position would have felt compelled to resign. Bristow v. Daily Press, Inc., 770 F.2d 1251 (4th Cir.1985). See J.P. Stevens & Co. v. NLRB, 461 F.2d 490 (4th Cir. 1972); McKinney v. K-Mart Corp., 649 F. Supp. 1217 (S.D. W. Va. 1986). A grievant alleging a constructive discharge or demotion has the burden of proving his or her allegations by a preponderance of the evidence. McClung, supra. See Coster v. W. Va. Div. of Corrections, Docket No. 94- CORR-600 (Aug. 12, 1996).**

**The undersigned Administrative Law Judge finds the argument of constructive discharge**

**to be without merit, as Principal Sloan's treatment of Grievant in discussing Grievant's duties and his expectations was appropriate. The undersigned Administrative Law Judge has already found that Grievant's recounting of the discussion to be untrue.**

**Grievant's main contention appears to be that after she resigns a regular position, she is entitled to tell MCBOE what her employment status will be, and that she can instruct the Board that she is to remain on the PRL and the substitute list. Grievant did not present any statute, policy, rule or regulation to support this argument, and as previously stated; she has the burden of proof in this non-disciplinary grievance.**

**If Grievant had been a permanent employee under a continuing contract, the resignation would need to be required in writing. W. Va. Code § 18A-2-6. However, no evidence was presented to show Grievant was a continuing employee. The record of Grievant's employment demonstrates she has been a substitute employee, and MCBOE's representative stated, without rebuttal, that Grievant was a probationary employee.**

**A resignation is, by definition, a voluntary act on the part of an employee seeking to end the employer-employee relationship. Smith v. W. Va. Dept. of Corrections, Docket No. 94-CORR-1092 (Sept. 11, 1995). See Welch v. W. Va. Dept. of Corrections, Docket No. 95-CORR-261 (Jan. 31, 1996). As a general rule, an employee may be bound by herverbal representations that she is resigning when they are made to a person or persons with the authority to address such personnel matters. See, Welch, supra; Copley v. Logan County Health Dept., Docket No. 90-LCHD-531 (May 22, 1991). Although Principal Sloan did not have the final authority to accept Grievant's resignation, he did have the duty and authority to receive and report this resignation to Superintendent Conn and MCBOE for further action. Grievant intended to resign from her regular position at BMS, the unfortunate thing for Grievant is that she apparently did not understand the consequences of her actions. This outcome seems harsh, but Grievant has not alleged or demonstrated that MCBOE violated any policies or statutes. Although it would appear that MCBOE could have placed Grievant at least on the substitute list, the undersigned Administrative Law Judge can find no requirement to do so.**

**The above-discussion will be supplemented by the following Conclusions of Law.**

## Conclusions of Law

**1. As this grievance does not involve a disciplinary matter, Grievant has the burden of proving her grievance by a preponderance of the evidence. Procedural Rules of the W. Va. Educ. & State Employees Grievance Bd. 156 C.S.R. 1 § 4.19 (1996); Holly v. Logan County Bd. of Educ., Docket No. 96-23-174 (Apr. 30, 1997); Hanshaw v. McDowell County Bd. of Educ., Docket No. 33-88-130 (Aug. 19, 1988). See W. Va. Code § 18-29-6.**

**2. An Administrative Law Judge is responsible for determining the credibility of the testimony before her. Perdue v. Dept. of Health and Human Resources/Huntington State Hosp., Docket No. 93-HHR-050 (Feb. 4, 1994). Determinations of credibility in this case were based on each witness's demeanor, responsiveness to questions, plausibilityof the testimony, admissions of untruthfulness, and evidence of telling falsehoods under oath.**

**3. In order to prove constructive discharge in West Virginia, the employee must "establish that working conditions created by or known to the employer were so intolerable that a reasonable person would be compelled to quit." Slack v. Kanawha County Housing & Redevelopment Auth., 188 W. Va. 144, 423 S.E.2d 547 (1992).**

**4. Grievant has failed to demonstrate that MCBOE engaged in any actions that might force her to resign her position.**

**5. A resignation is, by definition, a voluntary act on the part of an employee seeking to end the employer-employee relationship. Smith v. W. Va. Dept. of Corrections, Docket No. 94-CORR-1092 (Sept. 11, 1995). See Welch v. W. Va. Dept. of Corrections, Docket No. 95-CORR-201 (Jan. 31, 1996). As a general rule, an employee may be bound by her verbal representations that she is resigning when they are made to a person or persons with the authority to address such personnel matters. See, Welch, supra; Copley v. Logan County Health Dept., Docket No. 90-LCHD-531 (May 22, 1991). The representations must be such that a reasonable person would believe that the employee intended to sever his relationship with the employer.**

**6. Grievant verbally, voluntarily resigned her position to the proper authority, and followed this verbal resignation with a written confirmation.**

**7. Grievant has failed to demonstrate that MCBOE violated any policy, statute, rule or regulation when it accepted Grievant's resignation, that she initially submitted verbally and**

**later submitted in writing, and then did not place her on the PRL or the substitute employee list.**

**Accordingly, this grievance is DENIED.**

**Any party may appeal this decision to the Circuit Court of Kanawha County or to the Circuit Court of Mingo County and such appeal must be filed within thirty (30) days of receipt of this decision. W. Va. Code § 18-29-7. Neither the West Virginia Education and State Employees Grievance Board nor any of its Administrative Law Judges is a party to such appeal and should not be so named. Any appealing party must advise this office of the intent to appeal and provide the civil action number so that the record can be prepared and transmitted to the appropriate court.**

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**JANIS I. REYNOLDS**

**Administrative Law Judge**

**Dated: September 30, 1998**

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***Footnote: 1***

***Grievant was represented by Mr. Sidney Fragale and Mr. Steve Angel of the West Virginia Federation of Teachers, and Respondent was represented by Mr. William C. Totten, Superintendent John Mattern's representative.***

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***Footnote: 2***

***Pursuant to an agreement of the parties, MCBOE was allowed to present an affidavit concerning Grievant's prior work performance. After this affidavit was submitted, Grievant was to request an additional hearing if she wished to cross-examine the writer of the affidavit. If Grievant did not wish to cross-examine this individual, she was to submither proposed findings of fact and conclusions of law on September 16, 1998. Grievant did not request an additional hearing, and Respondent's affidavit was admitted into the record pursuant to this agreement.***

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***Footnote: 3***

***This discussion occurred on January 7, 1998. The State Department of Education voted to intervene on January 5, 1998. See Pope v. Mingo County Bd. of Educ., Docket Nos. 98-29-071/073/076 (July 29, 1998).***

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***Footnote: 4***

***According to the documents and the affidavit, Grievant refused to sign her Evaluation and Improvement Plan. This fact was noted and dated on the forms.***

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***Footnote: 5***

***Because Respondent did not intend to address Grievant's work performance in the grievance, it submitted this information in written form from her personnel file. Grievant objected to the admission of these documents. To cure this problem and in the interest of fairness to all parties, it was agreed that these documents would be held in abeyance and Respondent would obtain a sworn affidavit by the principal to attach to these documents. If, after this was submitted, Grievant wanted to cross-examine the writer of these documents another hearing would be held. Apparently, after discussion, Grievant decided not to fight the presentation of this evidence as she states in her post hearing submissions,"Grievant failed to acknowledge an evaluation and plan of improvement she received while working at Cline Grade School. The Respondent was allowed to supplement the record by submitting an affidavit by Mr. Jerry Thompson, principal of Cline Grade School, which verified her work deficiencies during the 1995-1996 school year." Thus, it is accepted that Grievant did indeed receive an unsatisfactory Evaluation and an Improvement Plan and did lie under oath about these events at this Level IV hearing.***

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***Footnote: 6***

***When asked how she could tell her daughter was shaking during a phone conversation, Mrs. Blankenship replied she knew her daughter and how she acted.***

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***Footnote: 7***

***Although there was a difference of testimony about how it was arranged, the parties agreed that when Grievant was substituting at BMS in October 1997, Grievant brought home information on the Lunch Reports to have her mother enter the data on her computer while Grievant read off the names and numbers. This information was then transferred to the school's computer. Mrs. Blankenship indicated Principal Sloan called her and asked her to perform this task while Grievant was substituting. Principal Sloan stated he did not make this request, and was even unsure he had ever talked to Mrs. Blankenship before the evening of January 7, 1998.***

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***Footnote: 8***

***An interesting portion of this letter composed, typed, and signed by Grievant's mother states, "[i]f I were going to resign , I would have written a letter myself. I wouldn't need him to do it for me."***