

# STATE EMPLOYEES' APPEALS COMMISSION

**Eric J. Holcomb, Governor**  
**Erin M. McQueen, Director and Chief ALJ**

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MINUTES OF THE REGULAR MEETING  
OF THE STATE EMPLOYEES' APPEALS COMMISSION  
May 12, 2023

The regular meeting of the State Employees' Appeals Commission was held on May 12, 2023, at 10:00 A.M. EDT, in person in Indiana Government Center South Conference Center Room D. The Chief Administrative Law Judge, Judge McQueen, called the Commission to order at 10:00A.M. EDT. The following four Commissioners were present and constituted a quorum.

**COMMISSIONERS PRESENT:**


Frank Sullivan, Jr., Chair  
Veronica Hubartt (Schilb)  
Stefanie Krevda  
Eric Vermeulen

1. The Commission considered the minutes from the May 12, 2022, meeting. Commissioner Sullivan moved for the minutes to be approved and Commissioner Vermeulen seconded. The Commission approved the minutes as written by a 4-0 vote.
2. The Commission noted sixty-one (61) new Civil Service System complaints filed since the last meeting and approved them by a vote of 4-0 to be docketed. The new Civil Service complaints were listed in the Commission's agenda as follows:

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|-----------------------------------|--------------------------------|
| 1. 05-22-17 Fane v. DWD           | 22. 09-22-038 Jefferson v. DWD |
| 2. 05-22-18 Cole v. DCS           | 23. 09-22-039 Crayton v. DOC   |
| 3. 05-22-19 Bishop v. DOC         | 24. 09-22-040 Letizia v. DWD   |
| 4. 05-22-20 A. Wainscott v. DOC   | 25. 10-22-041 Babawibe v. DOC  |
| 5. 05-22-21 Flowers v. DOC        | 26. 10-22-042 Nicholson v. AGO |
| 6. 05-22-22 Glaspie v. DOC        | 27. 10-22-043 Cohen v. DCS     |
| 7. 05-22-23 Mix v. DOC            | 28. 11-22-044 Gilmour v. DCS   |
| 8. 05-22-024 Schultz v. DNR       | 29. 11-22-045 Boone v. DOC     |
| 9. 05-22-025 Mirich v. DOC        | 30. 11-22-046 Ojelade v. DOC   |
| 10. 06-22-026 M. Wainscott v. DOC | 31. 11-22-047 Long v. DCS      |
| 11. 06-22-027 Kates v. FSSA       | 32. 11-22-048 Payne v. DOC     |
| 12. 06-22-028 Turley v. DOC       | 33. 11-22-049 Mesker v. FSSA   |
| 13. 06-22-029 Toombs. V. DCS      | 34. 11-22-050 Snyder v. DCS    |
| 14. 06-22-030 Mendel v. FSSA      | 35. 11-22-51 Baker v. DOC      |
| 15. 06-22-031 Paeper v. FSSA      | 36. 12-22-052 Issa v. DOC      |
| 16. 07-22-032 Montgomery v. DCS   | 37. 12-22-053 Mather v. DOC    |
| 17. 07-22-033 Saine v. DHS        | 38. 12-22-054 Young v. INDOT   |
| 18. 07-22-034 Yoder v. IGC        | 39. 12-22-055 Asher v. DCS     |
| 19. 08-22-035 Dorman v. DOC       | 40. 12-22-056 Adams v. FSSA    |
| 20. 08-22-036 Howard v. DOC       | 41. 12-22-057 Smith v. INDOT   |
| 21. 08-22-037 Davis v. DOE        | 42. 01-23-001 Thill v. IDEM    |

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|--------------------------------|-------------------------------|
| 43. 01-23-002 Hartman v. INDOT | 53. 03-23-012 Gonzalez v. DCS |
| 44. 02-23-003 Hoffman v. INDOT | 54. 03-23-013 Thomas v. DOC   |
| 45. 02-23-004 Lydick v. AGO    | 55. 03-23-014 Robinson v. DOC |
| 46. 02-23-005 Decker v. DOC    | 56. 03-23-015 Bodoe v. DOC    |
| 47. 02-23-006 Russell v. DCS   | 57. 03-23-016 MacLean v. DCS  |
| 48. 02-23-007 Patton v. FSSA   | 58. 03-23-017 Arndt v. INDOT  |
| 49. 03-23-008 Hoover v. INDOT  | 59. 03-23-018 Hanley v. DOC   |
| 50. 03-23-009 Lewis v. INDOT   | 60. 04-23-019 Lowden v. DCS   |
| 51. 03-23-010 Adams v. FSSA    | 61. 04-23-020 Leonard v. DCS  |
| 52. 03-23-011 Lackman v. DCS   |                               |

3. Chief ALJ Erin McQueen noted that there have been twenty-seven (27) new cases have been filed so far in 2023. Twenty-two (22) cases are actively pending in various stages of proceedings.
4. The Commission then selected a Chair and Vice-Chair pursuant to I.C. 4-15-1.5-5. Commissioner Frank Sullivan Jr. was selected by the Commission members as the Chair of the Commission. Commissioner Veronica Hubartt was selected by the members of the Commission as the Vice-Chair of the Commission.
5. The damages portion of the case of *Outlaw v. DCS*, SEAC No. 04-20-028, was heard by oral argument on Petitioner's timely objections and Respondent's response to the objections. Chief ALJ Erin McQueen provided a Non-Final Order on damages. Petitioner Outlaw appeared by counsel, Mr. Friedman. Respondent appeared by counsel, Ms. Whitney Fritz. Both parties provided oral argument. Following public deliberation, the Commission AFFIRMED the ALJ's Non-Final Order in all aspects of the damages award except the Commission took under advisement, for additional consideration, the time value of the backpay award and whether the Commission should award additional damages amount to reflect the time value of money, either by interest or inflation. The Commissioners intend to issue a report to the Parties in thirty (30) days.
6. Seeing no further new business, Chair Sullivan closed the meeting at 11:16 A.M. with the next meeting Commission Meeting date TBD.

  
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 Chair  
 State Employees' Appeals Commission

Date : 8/15/24