

State of New Hampshire

87-T-110

PERSONNEL APPEALS BOARD
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Gerald Allard
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APPEAL OF BRENDA ALATI

December 14, 1987

On October 12, 1987, the Personnel Appeals Board, Commissioners Haseltine, Allard and Platt sitting, heard the appeal of Brenda Alati, formerly an employee at the New Hampshire Veterans' Home. Ms. Alati was discharged from her employment as Coordinator of Volunteer Activities by letter dated August 4, 1987 for theft from the State, unauthorized use of State telephones, and willful insubordination. Ms. Alati was represented by Attorney Christopher Seufert at the hearing. Senior Assistant Attorney General Peter Foley represented the Veterans' Home.

After considering all of the evidence presented, the Board made the following findings and rulings. Ms. Alati was employed at the New Hampshire Veterans' Home for some period of time prior to January, 1987 until her termination on August 4, 1987. From January, 1987 until August 4, 1987, Ms. Alati failed to submit state form A28, a telephone log to be completed by State employees making personal calls on State telephones. Although Ms. Alati was asked twice for the logs, she did not produce them.

In July, 1987, Kenneth Tarr, Commandant of the Veterans' Home, requested a review of the telephone bills from the Veterans' Home to determine the number of personal calls made by Ms. Alati. That review reflected that during the 6 month period Ms. Alati had made a total of 116 calls, of 1150 minutes duration, at a total cost of \$327.36 to two telephone numbers. Those numbers were listed to the home of a friend of Ms. Alati and to the DAV where that friend volunteered.

When confronted by Mr. Tarr, Ms. Alati admitted making the calls and informed him that 10 calls were personal calls. She also offered to reimburse the State for the cost of the additional calls.

The Board further found that the Veterans' Home had a long-standing policy against the use of State telephones for unnecessary personal phone calls. In the two years prior to this incident, the total cost of personal calls made by all employees and residents of the Veterans' Home was \$190.59.

Mr. Tarr testified that he concluded that the time for reimbursement had expired because Ms. Alati knew she had a responsibility to maintain the logs, because she was supposed to be a role model, and because of the total cost of the calls as compared to the Home's total costs for personal calls over the prior two years.

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The Board found that Ms. Alati's conduct was highly inappropriate and violative of State personnel rules. The Board did not find that these telephone calls were made in the course of employment. In light of the total number and cost of the calls, the Board found that Ms. Alati's discharge was both reasonable and appropriate under the rules of the division of personnel. Ms. Alati's failure to complete the requisite telephone logs further supported her discharge.

For the foregoing reasons, the Board voted to uphold the appointing authority's action in discharging Ms. Alati and to deny the appeal.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE
Executive Secretary

cc: Christopher Seufert, Esquire

Kenneth Tarr, Commandant
New Hampshire Veterans' Home

Virginia A. Vogel
Director of Personnel