

# State of New Hampshire



## PERSONNEL APPEALS BOARD

State House Annex

Concord, New Hampshire 03301

Telephone (603) 271-3261

## APPEAL OF DAVID CARBONNEAU

Docket #94-T-19

Department of Transportation

May 25, 1995

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) met Wednesday and Thursday, January 11 and 12, 1995, to hear the termination appeal of David Carbonneau, a former employee of the Department of Transportation, Bridge Maintenance Crew #10. Mr. Carbonneau was appealing his October 21, 1993 termination from employment for allegedly violating DOT policies prohibiting harassment of co-workers, having firearms in the workplace, and having controlled substances in the workplace.

Attorney Kathryn Bradley appeared on behalf of the State, arguing that the evidence would support the Department's decision to terminate Mr. Carbonneau's employment for violating three separate posted policies, as well as for creating a hostile and dangerous work environment by harassing and threatening his co-workers. The appellant was represented at the hearing by Attorney Shawn J. Sullivan.

In his November 5, 1993 notice of appeal submitted to the Board by SEA Legal Intern Linda Chadbourne, the appellant argued that the allegations contained in the letter of discharge were inaccurate and misleading. He contended that the charge of harassment stemmed from a verbal exchange with a co-worker in which he was reacting to harassment by that co-worker. Mr. Carbonneau further argued that he never threatened any co-worker with a firearm, and to the extent that he carried firearms, his supervisors were fully aware of that fact and had given both express and implied permission for him to do so. Mr. Carbonneau also denied having had a controlled substance in the work place.

In addition to the arguments offered in Mr. Carbonneau's notice of appeal, Mr. Sullivan argued that the evidence would prove that Mr. Carbonneau was a good employee who got along with his co-workers. He argued that it was not uncommon for DOT employees to have guns in the workplace, and that even if all the facts presented by the State about Mr. Carbonneau's conduct were true, the charges could not support termination under the Rules of the Division of Personnel.

*The Appellant submitted the following four exhibits:*

Appellant's A: August 26, 1993 memo from Harvey S. Goodwin, Administrator in the Bridge Maintenance Division, to John W. Clement, DOT Director of Operations, recommending that the department pursue termination of Mr. Carbonneau's employment for violation of Departmental Policy 5.51 Employee Harassment in the Workplace, Policy 1.36 Firearms Prohibited and Policy 1.52 Substance Abuse in the Workplace.

- Appellant's B: A photograph of David Carbonneau and Mark Fagnant taken on a hiking outing.
- Appellant's C: David Carbonneau's May 1993 Performance Summary.
- Appellant's D: DOT Policy 1.36, 1.52 and 5.51<sup>1</sup>.

*The Department of Transportation submitted the following six exhibits:*

- DOT #1: July 21, 1993 letter from Harvey S. Goodwin, Administrator, to David Carbonneau advising him of his suspension without pay effective July 22, 1993.
- DOT #2: August 1, 1993 letter from David Carbonneau to Harvey S. Goodwin appealing his suspension without pay.
- DOT #3: August 11, 1993 letter from Harvey S. Goodwin to David Carbonneau advising him that until the investigation of Mr. Carbonneau's conduct had been completed, the suspension would not be reversed.
- DOT #4: October 7, 1993 letter from John Clement, DOT Director of Operations to David Carbonneau informing him that the Department would honor Mr. Carbonneau's attorney's request to delay a meeting to review the results of the Department's investigation until after the date of Mr Carbonneau's October 15, 1993 trial.
- DOT #5: October 21, 1993 letter from John Clement to David Carbonneau notifying him of his termination from employment for violation of DOT policies regarding employee harassment in the workplace, firearms and substance abuse in the workplace.
- DOT #6: State Trooper Craig Wiggin's report of the investigation of David Carbonneau.<sup>2</sup>

The Department of Transportation called the following witnesses to testify: Harvey Goodwin, Administrator of the Bureau of Bridge Maintenance; State Police Detective Craig Wiggin; Jeffrey Oakes, Bridge Maintenance Crew #10; Mark Fagnant, Bridge Maintenance Crew #10; John Leonard, Bridge Maintenance Crew #10; Theodore Lang, Bridge Maintenance Crew #10; John Cote, Construction Foreman, Bridge Maintenance Crew #10; John Clement, Director,

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<sup>1</sup> Policy 5.51 entitled Employee Harassment bears an effective date of March 10, 1994, some five months after the appellant's termination from employment. Insofar as the policy was offered into evidence by the appellant without objection by the State, it appears that the parties believe that the exhibit represents the policy which was in effect at the time of the appellant's termination from employment. The Board considers both parties to have waived their rights to object to the exhibit at a later date.

<sup>2</sup> After objection by the appellant, this exhibit was admitted with the understanding that consideration would be limited to those matters covered by Trooper Wiggin's testimony.

Operations Division. The appellant, David Carbonneau, testified on his own behalf.

Mr. Carbonneau transferred to the Bureau of Bridge Maintenance in August, 1991. When he first came on the crew, he enjoyed a good working relationship with his co-workers. Several of the witnesses testified that although Mr. Carbonneau could be a good worker, he could also be moody and sullen. During the course of his employment, Mr. Carbonneau's immediate supervisor had spoken with him about getting along with his co-workers, informing him that his habit of not speaking to his co-workers when he was angry with them made the crew uncomfortable. In the last several months of his employment, the majority of the crew felt intimidated by Mr. Carbonneau. Several were fearful, that he would harm them or their families. Most of the crew had witnessed one or more incidents between Mr. Carbonneau and Mr. Oakes where Mr. Oakes had been directly threatened by the appellant. All of the employees knew that the appellant carried a variety of weapons in his vehicle, a butterfly fighting knife on his person, and that he bragged of having a cache of explosives, including fragmentation grenades, in a nearby town.

In May, 1993, Mr. Carbonneau and Mr. Oakes both applied for a promotion which Mr. Oakes received. Mr. Carbonneau testified that he was not upset by the promotion of Mr. Oakes, but the record reflects that he did complain to Mark Fagnant that Mr. Oakes had gotten the job from his deathbed. The record reflects that tensions between Mr. Oakes and Mr. Carbonneau escalated in the ensuing months.

In late June, on or about June 24, 1993, Mr. Oakes and Mr. Carbonneau argued during a bridge painting job. Insults were exchanged, and the argument ended with Mr. Carbonneau inviting Mr. Oakes to fight it out. Later that day, Mr. Carbonneau threatened to give Mr. Oakes a "fat lip and a black eye". The argument and threat were witnessed by several of the crew members. Although the chronology of events is not entirely clear, during that same period of time, Mr. Carbonneau also told Mr. Oakes he would "get him" when he "least expected it".

During another incident, Mr. Carbonneau was setting up welding leads on the bridge. Mr. Oakes told him to relocate the leads out of the roadway. Mr. Carbonneau lunged at Mr. Oakes with his fists clenched. Mr. Oakes was forced to climb down off the bridge, fearing for his own safety, to avoid a further altercation with Mr. Carbonneau.

On or about June 29, 1993, Mr. Oakes went to his supervisor's house to discuss what had been happening and to ask him to do something about the continuing threats from Mr. Carbonneau. On June 30, 1993, Construction Superintendent Paul Byrne set up a meeting in Rumney between the foreman John Cote, Mr. Carbonneau and Mr. Oakes to try to resolve the problem. At the meeting itself, in front of supervisory personnel, Mr. Carbonneau tried to engage Mr. Oakes in a fight. Mr. Carbonneau also made it known that the only way he believed the two could settle their differences would be to fight it out. Ultimately, Superintendent Paul Byrne got the two men to agree that they could work together "for the good of the department." However, when Mr. Oakes later tried to apologize for anything he might have said or done to anger Mr. Carbonneau, the appellant said something to him like, "'get the f--- out of my face or I'll kick your ass right here." Mr. Oakes avoided Mr. Carbonneau for the remainder of the day.

On Friday, July 2, 1993, while walking off the Bridge with Ted Lang and John Cote, talking about how hot the weather was, Mr. Carbonneau pulled a derringer from his pants pocket, remarking it was hot enough that "even this is sweating". The record reflects that this was the first time Mr. Cote had seen Mr. Carbonneau carrying a handgun at the worksite.

July 3, 1993 through July 5, 1993 was a holiday weekend. On the night of July 6, 1993, the first day back from work, after speaking with the other Bridgemen III, John Leonard called Superintendent Paul Byrne at his home and said the crew was having a problem with David Carbonneau, and that they needed to meet with him as soon as possible. Mr. Byrne met with the crew on the morning of July 7, 1993, and learned that they were becoming fearful of David Carbonneau, that he was armed in the workplace, that he had recently exploded an artillery simulator at the job site, that he had bragged about having a cache of fragmentation grenades, and that he was continuing to threaten Jeffrey Oakes. The following day, Mr. Byrne called Harvey Goodwin, Administrator of the Bureau of Bridge Maintenance for assistance.

On the afternoon of July 7, 1993, Harvey Goodwin met with the members of Crew #10. After hearing complaints from the crew about David Carbonneau's use of guns and explosives<sup>3</sup> at the various job sites, Mr. Goodwin asked all of the members of Crew #10, except for Mr. Carbonneau, to make written statements concerning events on the crew. Mr. Goodwin reported his preliminary findings to John Clement, DOT Director of Operations, and on July 9, 1993, the Department of Transportation requested that the State Police initiate an investigation into Mr. Carbonneau's activities. The department's concerns for the safety of the crew were grave enough that Mr. Carbonneau was assigned to work away from the job site until the investigation could be completed. Mr. Carbonneau was unaware that he was under investigation at the time.

On July 21, 1993, the State Police arrested Mr. Carbonneau on four counts of criminal threatening. At the time of his arrest, Mr. Carbonneau had a loaded 9 mm pistol in his car, which was unlocked and unsecured at the job site. Mr. Carbonneau was also carrying his derringer at the time of his arrest. That same day, Mr. Carbonneau was suspended without pay pending the outcome of the investigation and hearing on charges of criminal threatening. Mr. Carbonneau was convicted in Plymouth District Court and was terminated from his position. The conviction was later reversed on appeal to Superior court.

On the charges made by the Department of Transportation against Mr. Carbonneau in support of his termination from employment, the Board made the following findings of fact:

Violation of DOT Policy 5.51 Titled "Employee Harassment in the Workplace"

The October 21, 1993 notice of termination issued to Mr. Carbonneau states:

Statements are on file indicating you have repeatedly threatened your co-workers with bodily harm and other forms of retaliation which has resulted in a sense of intimidation by and a fear of you. DOT Policy 5.51 states, in part, 'Any employee found to have harassed another employee will be subject to appropriate disciplinary action up to and including discharge pursuant to Per 1001, Rules of the Division of Personnel.

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<sup>3</sup> Mr. Oakes testified that on one bridge job, a bucket of green paint had been spilled and needed to be cleaned up. He testified that there had been a "bum" hanging around the job site for several days, and that the crew decided to give the man some money for cleaning up the spill. He testified that while the man was under the bridge, Mr. Carbonneau threw a small pipe bomb into the river right next to him. The record also reveals that Mr. Carbonneau set off an artillery simulator while on the **Campton** Bridge job, causing a sufficiently heavy explosion to shake the area and be heard at a nearby cement plant.

The witnesses, including Mr. Carbonneau and Mr. Oakes, testified that there was a long-standing personality conflict between the appellant and Jeffrey Oakes, one of the members of Crew #10. Mr. Carbonneau characterized the conflict between himself and Mr. Oakes as nothing more than "arguments between construction workers". He also described himself and Mr. Oakes as individuals with "a low tolerance to shit". He testified that Mr. Oakes actually was the instigator, and that he had insulted the appellant as well as making inappropriate comments about the appellant's wife. He said that there had been several attempts by the supervisor to resolve the issue between himself and Mr. Oakes, and that his supervisor had spoken with him on at least one occasion about getting along and communicating with other members of the crew.<sup>4</sup>

On one occasion, Mr. Carbonneau set off firecrackers under staging on which Mr. Oakes and another employee were standing, seriously frightening Mr. Oakes. In another confrontation, Mr. Carbonneau lunged at Mr. Oakes while both were atop a bridge, causing Mr. Oakes to fear that he would fall or be thrown from the bridge. The record reflects that Mr. Carbonneau knew that Jeffrey Oakes suffers from a blood clotting disorder, and that even a minor injury suffered by Mr. Oakes could result in his hemorrhaging or possibly bleeding to death. Although Mr. Carbonneau was fully aware of the seriousness of Mr. Oakes' condition<sup>5</sup>, he repeatedly challenged Mr. Oakes to a fight, suggesting that he would blacken Mr. Oakes' eye and give him "a fat lip." He also remarked to Mr. Oakes, "I'll get you when you least expect it."

Mr. Carbonneau said that he believed the only way to settle his disagreement with Mr. Oakes would be to fight it out, but that he didn't want to fight Jeffrey Oakes on the job because he knew that if you struck someone in the workplace, you could be fired. He said that was why he wanted Mr. Oakes to go with him away from the job site and have "a tussle" to settle their differences once and for all.

Although none of the other witnesses encountered direct threats from Mr. Carbonneau, John Leonard, Ted Lang and Mark Fagnant all testified that the appellant had a way of threatening people indirectly. The record reflects that the members of the crew all felt intimidated by Mr. Carbonneau, and elected not to do anything about it until they believed that the threats against Mr. Oakes had become so serious and so violent that they had to take some action.

On the evidence, the Board found that Mr. Carbonneau's threats, both direct and indirect, particularly with respect to threats of physical violence against Jeffrey Oakes, constituted a violation of the department's policy prohibiting harassment. The Board also found that Mr. Carbonneau engaged in behavior of a dangerous or threatening nature, creating a hostile working environment, which also constituted a violation of the department's policy prohibiting workplace harassment.

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<sup>4</sup> Mr. Carbonneau testified that when he was angry with a co-worker, he might simply stop talking to him, giving him "the silent treatment". After one discussion with his supervisor, Mr. Carbonneau stopped speaking to anyone of the crew for a couple of days. His supervisor told him it only made it worse when he "clammed up".

<sup>5</sup> Mark Fagnant testified that David Carbonneau had complained when Jeffrey Oakes received a promotion, commenting that he "had gotten the job on his deathbed" because he was hospitalized at the time. Mr. Carbonneau also insulted Mr. Oakes by calling him "chemically dependent" because of the blood-thinning medication Mr. Oakes is required to take.

Violation of DOT Policy 5.51 Titled "Firearms Prohibited"

The October 21, 1993 notice of termination issued to Mr. Carbonneau states:

"...State Trooper Craig Wiggin found that you were carrying a loaded derringer type firearm while on duty at a DOT work site on July 21, 1993. This is a violation of DOT Policy 1.36..."

DOT Policy 1.36 states, in pertinent part:

"In order to promote and ensure the safety of employees and the public, all firearms, including handguns, shotguns and rifles, both breech and muzzle loading, shall not be transported or stored in state-owned vehicles by department employees. Use or bearing of firearms by personnel on-duty is prohibited. Violation of the foregoing shall be grounds for appropriate disciplinary action which may include termination of employment if warranted.

- (a) Exception to the above prohibition may be granted upon review and approval by the commissioner. Such exceptions shall be granted only in special circumstances and employees granted such exception must comply with all applicable laws and other regulations."

The record reflects that while working out of the Rumney yard, several of the employees watched Mr. Carbonneau drive his car up to a loading dock where a pumpkin was sitting. They watched while Mr. Carbonneau pulled out a 9 mm gun and shot the pumpkin at point blank range, exploding it. Mark Fagnant testified that the following day, Mr. Carbonneau asked Mr. Fagnant if he had seen the pumpkin being shot, and said, "That's what it looks like when you shoot a human skull."

Mr. Fagnant also testified that on another occasions, Mr. Carbonneau had complained that his vehicle wasn't working properly and that he was going to "fix" the catalytic converter. Mr. Fagnant testified that Mr. Carbonneau pulled a rifle out of his vehicle, lifted the hood of the vehicle and fired a shot into the engine compartment. Mr. Fagnant testified that there was an occupied residence a short distance away in the line of fire.

The record reflects that approximately three weeks before Mr. Carbonneau's termination, while the crew was walking off the bridge in Campton where they were working, Mr. Carbonneau reached into the pocket of his trousers and removed a derringer, commenting to the men with him that the weather was so hot, even "this" was sweating. The record reflects that this was the first time Mr. Carbonneau's immediate supervisor had evidence that Mr. Carbonneau was actually carrying a gun on duty.

The State's witnesses testified that most members of the crew are hunters. They often travel long distances between their homes and the job site. In order to be able to hunt en route between home and work, they had received permission from the administration to bring their hunting rifles or guns with them, provided that the weapons were secured in their personal vehicles and were not transported in State vehicles or used on duty. Mr. Carbonneau was the only member of the crew who carried a loaded weapon while on duty.

Mr. Carbonneau admitted that he had carried a loaded handgun on the job, but said that he

never carried it in one of the State vehicles. He testified that whenever he was required to travel off the job-site in a State vehicle, he would secure his gun in his car. Mr. Carbonneau also testified that his supervisors knew that he was carrying a derringer, but that they had not warned him that he was violating the department's firearms policy by doing so.

Mr. Carbonneau testified that he had been licensed to carry a loaded, concealed weapon since the age of 18. He testified that the only time he had been warned about carrying a handgun on duty was when he had been assigned to DOT Division I, where his supervisor had ordered him not to carry the gun on duty and to secure it in his locker at the patrol shed. Mr. Carbonneau testified that he had received no similar instruction while on the bridge maintenance crew. Mr. Carbonneau also testified that he was never informed of any policy prohibiting him from carrying a loaded handgun during working hours, except for those times he was in a State vehicle. Mr. Carbonneau insisted that whenever he had to use a State vehicle, he would "secure" his gun in his vehicle like his co-workers.

The record reflects that bridge maintenance supervisory personnel were unaware of the instances in which Mr. Carbonneau carried or fired a weapon while on departmental property or at DOT worksites until shortly before Mr. Carbonneau's suspension. There was no evidence that Mr. Carbonneau sought permission to carry a loaded weapon while on duty, or that he had any reason to believe that the department's policy about carrying or bearing arms was different for bridge crews than it had been for maintenance or operations crews. There is also evidence that Mr. Carbonneau's co-workers were reluctant to report him for fear of retribution. On the evidence, the Board found that Mr. Carbonneau knew of the weapons policy, and knew or should have known that carrying a loaded, concealed weapon on his person at a job site was a violation of that policy.

Violation of DOT Policy 1.52 Titled "Substance Abuse in the Workplace"

The October 21, 1993 letter of termination issued to Mr. Carbonneau states, in pertinent part:

"Regarding the violation of DOT Policy 1.52, Substance Abuse in the Workplace, the State Police Investigation Report describes the discovery of drug paraphernalia inside your private vehicle at the Campton work site. These items included a plastic baggy containing Marijuana residue. This is a direct violation of DOT Policy 1.52..."

At the hearing on the merits, the Department of Transportation failed to support its claim that the appellant violated the "Substance Abuse in the Workplace" Policy. While there may have been what appeared to be drug paraphernalia or drug residue in the vehicle occupied by Mr. Carbonneau at the time of his arrest, the evidence reflects that Mr. Carbonneau did not own the vehicle. The agency failed to submit evidence to the Board that Mr. Carbonneau owned or used any drug residue or paraphernalia, nor that the items found in the care were in fact drug residue or paraphernalia, nor was there evidence that the Appellant was convicted of possessing drugs or drug paraphernalia in the workplace. Accordingly, there is insufficient evidence to warrant a finding that Mr. Carbonneau violated DOT Policy 1.52.

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Mr. Sullivan argued that Mr. Carbonneau had not committed any offenses serious enough to warrant his immediate termination without prior warning. He argued that the letter of

termination itself failed to state clearly the rule(s) upon which the State had relied in terminating Mr. Carbonneau's employment. Mr. Sullivan argued that any violation Mr. Carbonneau may have committed could have been addressed through progressive discipline, and that if the agency had warned Mr. Carbonneau about possible policy violations, he would have taken the corrective action required of him. Mr. Sullivan asked the Board to order Mr. Carbonneau's immediate reinstatement with full back-pay and benefits.

Ms. Bradley argued that Mr. Carbonneau's termination was a result of the department's need to remove a dangerous employee from the workplace, and that the circumstances leading up to Mr. Carbonneau's termination should be considered in their entirety. Ms. Bradley argued that throughout the period of appeal, there had never been a concern about the sufficiency of the letter of termination, or questions about the authority under which the department acted when it terminated his employment. Ms. Bradley argued that any issues involving the technical merits of the termination should have been raised prior to a hearing on the material facts in dispute. On this latter point, the Board agrees with the State. At no point prior to the hearing did Mr. Carbonneau claim that he did not know or understand the basis for the termination, that the Department exceeded its authority in terminating the appellant, or that the appellant was prejudiced in his hearing before the Board because the letter was unclear.

Per 1001.08(b)(3) specifically refers to "Violation of a posted or published agency policy, the text of which clearly states that violation of same may result in immediate dismissal" as an offense for which employees may be discharged without prior warning.<sup>6</sup> Both DOT Policy 1.36 and DOT Policy 5.51 provide that violation of same will result in appropriate disciplinary action, up to and including termination from employment. Individually, either the appellant's violation of the firearms policy or his violation of the employee harassment policy could have resulted in his termination from employment under the provisions of Per 1001.08(b)(3). In the Board's opinion, committing both offenses warrants the appellant's immediate dismissal under the provisions of Per 1001.08(b).

Mr. Sullivan argued that the Board should look at the entire record, and that while Mr. Carbonneau's behavior might be considered strange, none of the alleged offenses rose to the level of an offense for which he should be terminated without prior warning. The Board found Mr. Sullivan's argument that the appellant had received a good performance evaluation, would have taken corrective action if required of him, and was entitled to the benefit of progressive discipline to be unpersuasive in this instance. The appellant's violation of the employee harassment and firearms policies are not performance issues. All the State's witnesses agreed that Mr. Carbonneau was a good worker when he chose to be. However, the quality of Mr. Carbonneau's work product has no bearing on whether or not he created a dangerous, threatening or hostile work environment, whether or not he engaged in threatening behavior towards a co-worker, or violated the policy prohibiting employees from bearing arms in the workplace.

The facts in evidence support the Department of Transportation's decision to terminate Mr. Carbonneau's employment.

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Per 1001.08(b) of the Rules of the Division of Personnel states: "In cases such as, but not necessarily limited to, the following, the seriousness of the offense may vary. Therefore, in some instances immediate discharge without warning may be warranted while in other cases one written warning prior to discharge may be warranted."

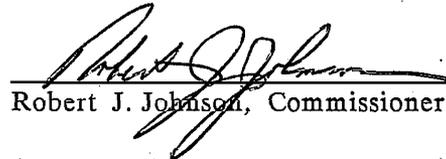
1. Mr. Carbonneau repeatedly threatened his co-workers, either directly or indirectly, constituting a violation of DOT policy 5.51.
2. Mr. Carbonneau repeatedly attempted to engage one of his co-workers in a fist fight, even though he knew that striking the employee could result in serious, potentially life-threatening injury to that employee, constituting a violation of DOT policy 5.51 and Per 1001.08 (a)(4).
3. Mr. Carbonneau admitted to carrying a loaded, concealed weapon on the job, as well as having been warned previously in Division I that firearms should not be carried on the job, constituting a violation of DOT policy 1.36.
4. In spite of Mr. Carbonneau's claim that he always secured his other weapons in his vehicle, on the day he was arrested, the 9 mm gun which he had in his vehicle was loaded and the vehicle was unlocked and the windows were open, constituting a violation of DOT policy 1.36 (a).

Accordingly, the Board voted unanimously to uphold the Department of Transportation's decision to terminate Mr. Carbonneau's employment.

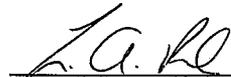
THE PERSONNEL APPEALS BOARD



Mark J. Bennett, Acting Chairman



Robert J. Johnson, Commissioner



Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel,  
Shawn J. Sullivan, Esq., Cook and Molan, P.A.  
Kathryn Bradley, Esq., Transportation Bureau, Dept. of Justice

# State of New Hampshire



## PERSONNEL APPEALS BOARD

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### APPEAL OF DAVID CARBONNEAU

Docket #94-T-19

Department of Transportation

Response to Appellant's Motion for Reconsideration/Rehearing

July 5, 1995

On June 14, 1995, the Board received Attorney Sullivan's June 14, 1995 Motion for Reconsideration/Rehearing in the above-captioned appeal. The State's Objection, filed by Attorney Kathryn Sullivan, was received by the Board on June 23, 1995.

Having considered both the Motion and Objection in light of the Board's decision in this matter, the Board voted unanimously to deny the Appellant's Motion for Reconsideration and Rehearing. In so doing, the Board voted to affirm its May 25, 1995 Decision, that Mr. Carbonneau's violation of DOT Policy 1.36 and 5.51, warranted his termination from employment under the Optional Dismissal provisions of Per 1001.08 of the Rules of the Division of Personnel.

THE PERSONNEL APPEALS BOARD

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Mark J. Bennett, Acting Chairman

Handwritten signature of Robert J. Johnson in cursive.

Robert J. Johnson, Commissioner

Handwritten signature of Lisa A. Rule in cursive.

Lisa A. Rule, Commissioner

cc: Virginia A. Lambertson, Director of Personnel  
Shawn J. Sullivan, Esq., Cook and Molan, P.A.  
Kathryn Bradley, Esq., Transportation Bureau, Dept. of Justice