

SUPREME COURT OF MISSISSIPPI

Sammy William Ray v. Mississippi Department of Public Safety

172 So. 3d 182 (Miss. 2015) · No. 2013-CT-00972-SCT · Decided August 13, 2015

SUMMARY

The Mississippi Supreme Court reviewed the termination of a Mississippi Highway Patrol officer for falsifying official documents. The court held that substantial evidence supported the Employee Appeals Board’s decision and that the Court of Appeals had improperly reweighed the evidence. It also held that the officer received adequate notice and an opportunity to be heard, and therefore that his due process rights were not violated.

CASE DETAILS

COURT	Supreme Court of Mississippi
WRITING FOR THE COURT	Lamar, Justice; Waller, C.J.; Dickinson, P.J.; Randolph, P.J.; Kitchens, J.; Chandler, J.; Pierce, J.; King, J.; Coleman, J.
JURISDICTION	Mississippi
DECIDED	August 13, 2015
DOCKET	2013-CT-00972-SCT
DISPOSITION	reversed
PROCEDURAL POSTURE	The Mississippi Department of Public Safety petitioned for and received a writ of certiorari to review the Court of Appeals' reversal of a Hinds County Circuit Court judgment affirming the Employee Appeals Board's decision upholding Ray's termination.
STANDARD OF REVIEW	An agency decision must be affirmed if supported by substantial evidence, is not arbitrary or capricious, is within the agency's authority, and does not violate the aggrieved party's constitutional or statutory rights. Reviewing courts may not substitute their judgment for that of the agency when substantial evidence supports the agency's findings, and a rebuttable presumption favors the agency decision.
PRECEDENTIAL VALUE	published
PARTIES	Mississippi Department of Public Safety v. Sammy William Ray

TOPICS

judicial review of agency action

administrative law

procedural due process

appellate procedure

employment law

PRACTICE AREAS

administrative law

employment law

constitutional law

appellate procedure

QUESTIONS PRESENTED

1. Whether the Court of Appeals improperly reweighed the evidence and substituted its judgment for that of the Employee Appeals Board.
2. Whether substantial evidence supported the EAB's finding that Ray falsified official state documents.
3. Whether the EAB violated its administrative rule or Ray's procedural due process rights by considering evidence concerning invalid tickets beyond the four specifically identified motorists.
4. Whether Ray's conduct could be distinguished from prior record-falsification cases involving terminated patrol officers.

HOLDINGS

1. The Court of Appeals erred by reweighing the evidence and substituting its judgment for that of the EAB and the circuit court.
2. Substantial evidence supported the EAB's decision to uphold Ray's termination for falsification of official state documents.
3. The EAB did not violate Administrative Rule XIX(d) by considering Ray's statements concerning twenty to twenty-five invalid tickets.
4. Ray's procedural due process rights were not violated because he received notice of the charges and multiple opportunities to be heard.

KEY QUOTATIONS

“The reviewing court must affirm the agency decision if the decision was (1) supported by substantial evidence; (2) not arbitrary or capricious; (3) within the scope or power of the agency; and (4) not a violation of the aggrieved party’s constitutional or statutory rights.” (§15)

“This Court has held that agency actions must provide minimum procedural due process, which requires (1) notice and (2) an opportunity to be heard.” (§31)

“Because the record provides substantial evidence to support the EAB’s decision to uphold Ray’s termination, the Court of Appeals should not have reconsidered the evidence and substituted its own judgment for that of the EAB’s and the Hinds County Circuit Court’s.” (§34)

FACTUAL BACKGROUND

The Mississippi Highway Safety Patrol investigated Ray after an audit revealed numerous voided tickets. The Department determined that Ray had written false or invalid tickets on multiple occasions to increase his

reported ticket activity, and Ray admitted during interviews and in written statements that he had written approximately twenty to twenty-five invalid tickets for that purpose. After a pretermination hearing and subsequent Employee Appeals Board proceedings, the EAB found the record-falsification charges supported by the evidence and upheld his termination.

PROCEDURAL HISTORY

The Department terminated Ray for falsifying official state documents and insubordination. The Employee Appeals Board upheld the termination, and the Hinds County Circuit Court affirmed. The Court of Appeals reversed, finding that the EAB relied on conduct outside the charges and violated Ray's due process rights. The Mississippi Supreme Court reversed the Court of Appeals and reinstated and affirmed the circuit court judgment.

DISPOSITION

reversed

REMAND INSTRUCTIONS

The Court of Appeals judgment was reversed, and the Hinds County Circuit Court judgment was reinstated and affirmed. No further substantive remand instructions were provided.

CASES CITED

- Miss. Comm'n of Env'tl. Quality v. Chickasaw Cnty. Bd. of Supervisors, 621 So. 2d 1211
- Bd. of Law Enforcement Officers Standards and Training v. Butler, 672 So. 2d 1196, 99
- Sprouse v. Miss. Employment Sec. Comm'n, 639 So. 2d 901, 902
- State Oil and Gas Bd. v. Miss. Mineral & Royalty Owners Ass'n, 258 So. 2d 767, 79
- Miss. Pub. Serv. Comm'n v. Merchants Truck Line, Inc., 598 So. 2d 778, 782
- Montalvo v. Miss. State Bd. of Med. Licensure, 671 So. 2d 53, 56
- Miss. State Bd. of Nursing v. Wilson, 624 So. 2d 485, 489
- Wilburn v. Highway Safety Patrol, 795 So. 2d 575, 576-78
- Bynum v. Miss. Dep't of Educ., 906 So. 2d 81, 90
- Miss. Bureau of Narcotics v. Stacy, 817 So. 2d 523, 26
- Miss. State Tax Comm'n v. Mask, 667 So. 2d 1313, 1314
- Melody Manor Convalescent Ctr. v. Miss. State Dep't of Health, 546 So. 2d 972, 973
- General Motors Corp. v. Miss. State Tax Comm'n, 510 So. 2d 498, 502
- Estate of McCullough v. Yates, 32 So. 3d 403, 15
- Harris v. Miss. Valley State Univ., 873 So. 2d 970, 85
- State Oil & Gas Bd. v. McGowan, 542 So. 2d 244, 48
- Ray v. Miss. Dep't of Pub. Safety, 2014 WL 5334783, at *1, *9

Retrieved from lawtools.ai · <https://lawtools.ai/cases/state/mississippi-supreme-court-of-mississippi/2015/sammy-william-ray-v-mississippi-department-of-public-safety-ckqjz2w0>