

SUPREME COURT OF ALABAMA

Ex parte Wilson

14 So. 3d 158 (Ala. 2009) · No. 1071683 · Decided January 16, 2009

SUMMARY

The Alabama Supreme Court denied Laura Wilson's petition for extraordinary relief concerning whether a remand under the Teacher Tenure Act required a new hearing officer. The opinions address the procedural history of her employment-termination dispute, the ambiguity in the remand orders, and whether the Court of Civil Appeals should have clarified the required procedure. The denial was accompanied by a special concurrence and dissents.

CASE DETAILS

COURT	Supreme Court of Alabama
WRITING FOR THE COURT	Per Curiam; Lyons; Woodall; Stuart; Bolin; Parker; Smith; Cobb; Murdock
JURISDICTION	Alabama
DECIDED	January 16, 2009
DOCKET	1071683
DISPOSITION	writ_denied
PROCEDURAL POSTURE	Wilson petitioned the Supreme Court of Alabama for a writ of certiorari to review the Court of Civil Appeals' withdrawal of an order placing the case on rehearing and alternatively sought a writ of mandamus concerning whether the remand required selection of a new hearing officer.
PRECEDENTIAL VALUE	Published disposition; no merits holding because the writ was denied without opinion.
PARTIES	Laura Wilson v. Madison County Board of Education

TOPICS

- writ of certiorari
- appellate procedure
- administrative law
- employment law
- statutory interpretation

PRACTICE AREAS

- employment law
- administrative law
- appellate procedure

QUESTIONS PRESENTED

1. Whether the Supreme Court of Alabama should issue a writ of certiorari or mandamus addressing whether the remand required a new hearing officer.
2. Whether the Court of Civil Appeals should have retained its rehearing order and clarified whether the original hearing officer could conduct the remand hearing.

FACTUAL BACKGROUND

The Madison County Board of Education terminated Wilson's employment as a tenured physical-education teacher at Buckhorn High School. A hearing officer, after receiving ore tenus and documentary evidence, ordered that Wilson be returned to her teaching position without discipline. After the appellate courts ordered another hearing under the amended Teacher Tenure Act, the Board and Wilson disagreed over whether the original or a new hearing officer was required, and the Board stopped paying Wilson's salary after she declined to consent to a new hearing officer.

PROCEDURAL HISTORY

The Madison County Board of Education terminated Wilson's employment as a tenured physical-education teacher. A hearing officer ordered her reinstatement, but the Court of Civil Appeals reversed and remanded for another hearing under the Teacher Tenure Act; the Supreme Court of Alabama affirmed that judgment in *Ex parte Wilson*, 984 So. 2d 1161 (Ala. 2007). On remand, the Board contended that a new hearing officer was required, while Wilson contended that the original hearing officer should conduct the hearing. After an administrative-law judge dismissed her appeal for lack of jurisdiction and the Court of Civil Appeals withdrew its rehearing order, Wilson sought extraordinary relief from the Supreme Court of Alabama, which denied the petition without opinion.

DISPOSITION

writ_denied

CASES CITED

- *Madison County Board of Education v. Wilson*, 984 So. 2d 1153 (Ala. Civ. App. 2006)
- *Ex parte Wilson*, 984 So. 2d 1161 (Ala. 2007)
- *Madison County Board of Education v. Wilson*, 14 So. 3d 157 (Ala. Civ. App. 2008)
- *Ex parte Berryhill*, 801 So. 2d 7, 11 (Ala. 2001)
- *Ex parte Bracken*, 263 Ala. 402, 406, 82 So. 2d 629, 631 (1955)