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STEPHEN T. PACHECO

LMP

**IN THE FIRST JUDICIAL DISTRICT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO**

**NO. D-101-CV-2011-03710, consolidated with  
NO. D-412-CV-2012-238**

**VANGIE ARELLANO,  
Plaintiff/Appellant/Petitioner,**

**vs.**

**NEW MEXICO DEPARTMENT OF HEALTH,  
Defendant/Appellee/Respondent.**

**ORDER AFFIRMING DECISION OF STATE PERSONNEL BOARD**

THIS MATTER came before the Court on the appeal of Plaintiff/Appellant/Petitioner Vangie Arrellano (“Appellant”) from the Final Decision of the New Mexico State Personnel Board (“Personnel Board”) affirming the termination of her employment by Defendant/Appellee/Respondent the New Mexico Department of Health (“Appellee”). The Court, having considered Appellant’s Statement of Appellate Issues, Appellee’s Response thereto, the whole administrative record on appeal, the arguments of counsel for Appellant and Appellee at the hearing held in this matter on November 6, 2013, and being fully advised in the premises, finds and concludes as follows:

1. Appellant’s Statement of Appellate Issues substantially complies with the procedural requirements of NMRA Rule 1-074;
2. The core issue before the State Personnel Board was: whether Appellant was

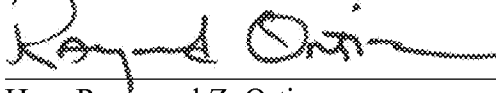
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disciplined for filing a false report and making false statements accusing a co-worker of resident abuse;

3. Substantial evidence supports the Personnel Board's finding that Appellant made false statements;
4. No public policy protects public employees who file false reports of abuse;
5. The Personnel Board's Final Decision that Appellee had just cause to terminate Appellant's employment was supported by substantial evidence in the record as a whole;
6. The procedural regularities alleged by Appellant do constitute a waiver or default;
7. The Personnel Board's Final Decision was not arbitrary or capricious; and
8. The Personnel Board's Final Decision was in accordance with law.

The Court therefore ORDERS that the Final Decision of the Personnel Board should be and hereby is affirmed.

By the Court:



Hon. Raymond Z. Ortiz  
District Court Judge

Date: November 14, 2013

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Submitted by:

*/s/ Frank D. Weissbarth*  
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Approved:

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