

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

2014 CA 1689

TERRY COLE

VERSUS

DEPARTMENT OF TRANSPORTATION AND DEVELOPMENT

Judgment Rendered: NOV 03 2015

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APPEALED FROM THE CIVIL SERVICE COMMISSION

STATE OF LOUISIANA

DOCKET NUMBER

S-17836

HONORABLE DAVID DUPLANTIER, CHAIRMAN

JOHN MCLURE, VICE-CHAIRMAN

G. LEE GRIFFIN, D. SCOTT HUGHES,
C. PETE FREMIN, SIDNEY TOBIAS, AND RONALD M. CARRERE
MEMBERS¹

SHARON S. TEMPLET, DIRECTOR

* * * * *

Terry Cole
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Plaintiff/Appellant
Pro-Se

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Adrienne Bordelon
General Counsel

Attorney for Defendant/Appellee
Shannon S. Templet, Director
Department of State Civil Service

BEFORE: McDONALD, McCLENDON, AND THERIOT, JJ.

¹ Civil Service Commission Members G. Lee Griffin, C. Pete Fremin, and Sidney Tobias were absent and did not participate.

McDONALD, J.

In this case the plaintiff, Terry Cole, was a permanent employee with the Department of Transportation and Development (DOTD) when he was terminated from his position as a mobile equipment operator for repeated acts of harassment and insubordination. He had worked at DOTD for five years.

Mr. Cole appealed his firing to the Civil Service Commission. After a hearing, the Civil Service Commission Referee found that Mr. Cole committed numerous acts of insubordination, as well as inappropriate and unprofessional behavior. Further, Mr. Cole failed to produce any evidence in support of his claim for disparate treatment, and that claim was dismissed. The Civil Service Commission Referee found legal cause for Mr. Cole's termination by DOTD and denied his appeal. Mr. Cole then filed an application for a review of the Civil Service Commission Referee's decision to the Civil Service Commission, which was denied.

Mr. Cole appealed the decision of the Civil Service Commission. On appeal, factual determinations of the Commission or a referee should be given great weight and should not be reversed unless clearly wrong or manifestly erroneous. Additionally, decisions or actions of the Commission or a referee should not be reversed unless they are arbitrary, capricious, or an abuse of discretion. **James v. LSU Health Sciences Center Medical Center of Louisiana at New Orleans**, 01-1853 (La. App. 1 Cir. 11/8/02), 834 So.2d 470, 472, writ denied, 03-0214 (La. 4/21/03), 841 So.2d 792.

Mr. Cole cites no evidence or testimony from the hearing to support his arguments on appeal. After a thorough review of the record, including the well-written reasons of the Civil Service Commission Referee, we cannot say that the factual findings of the Civil Service Commission Referee are manifestly erroneous or clearly wrong, nor can we say that the Civil Service Commission Referee's

finding that Mr. Cole's termination from employment for cause was arbitrary, capricious, or characterized by an abuse of discretion.

Therefore, the ruling by the Civil Service Commission is affirmed. Costs of this appeal are assessed against Terry Cole. This memorandum opinion is issued in compliance with the Uniform Rules - Courts of Appeal, Rule 2-16.1.B.

AFFIRMED.