

LACONNDA ERNEST

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NO. 2007-CA-1256

VERSUS

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COURT OF APPEAL

DEPARTMENT OF POLICE

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FOURTH CIRCUIT

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STATE OF LOUISIANA

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MURRAY, J., DISSENTS AND ASSIGNS REASONS

I would reverse the decision of the Civil Service Commission.

The appellant, a single parent, remained on duty throughout the entire emergency activation with the exception of two days in the immediate aftermath of the hurricane when she left because she believed her six-year-old son was in danger.

The appellant returned to her job on September 2, 2005, after she had transported her son to a safe location. The appellant tried to contact her supervisor, but because the NOPD had no functioning communication system during that time period, she was unsuccessful. Under the circumstances, I would consider any penalty more severe than a letter of reprimand to be overly harsh in view of the infraction. Therefore, I find the Commission abused its discretion by affirming the thirty-day suspension imposed upon appellant. Accordingly, I respectfully dissent from the majority's affirmation of the Commission's decision.