

RONALD WHITE

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NO. 2012-CA-1269

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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BONIN, J., DISSENTS WITH REASONS.

I respectfully dissent.

The appointing authority did not prove that with which it charged Mr. White: using profane and vulgar language in an argument with the school principal; we cannot uphold the Commission's decision because a violation occurred through other, uncharged conduct. *See Evangelist v. Dept. of Police*, 08-1375 (La. App. 4 Cir. 9/16/09), 32 So. 3d 815, 838-839 (on r'hrng) ("A civil service employee cannot be charged with conduct specifically described in the written charge and then be expected, much less required, to defend conduct which was not described or conduct which is different from that which was described.")