

IV. INITIAL DECISIONS OR OTHER FINAL ORDERS OF THE ADMINISTRATIVE LAW JUDGES

- A. Richard D. Helmick v. Department of Transportation, State Personnel Board
case
Number 2017B053.

Attachments:

1. Order on the Amount of Complainant's Attorney Fees & Costs.
2. Board Order.
3. Order on Remand.
4. Respondent's Unopposed Motion to Vacate Back Pay hearing & Briefing Deadlines and Stipulation on Back Pay Damages.

Summary:

On July 18, 2018, the Board considered this matter and the Administrative Law Judge's Findings of Fact and Conclusions of Law in the Initial Decision were adopted and made and Order of the Board with the exception of the following modifications to the ALJ's Order:

1. The Board adopts the Administrative Law Judge's conclusion that Complainant has established grounds for an award of his reasonable attorney fees and costs as to the claims for wrongful termination and violation of Board Rule 6-10.
2. The Board rejects the Administrative Law Judge's conclusion that Complainant is not entitled to his reasonable attorney fees related to his claims of failure to accommodate and harassment, on which Complainant did not prevail. The Board finds that all of the claims involve a common core of facts and related legal theories; thus a reduction in the attorney fee award for attorney fees for unsuccessful claims is inappropriate. The attorney fee award is **MODIFIED** to award reasonable attorney fees for all claims

The Board ordered that the matter be remanded to the Administrative Law Judge for the purpose of determining the amount of back pay and reasonable attorney fees to be awarded.

On October 11, 2018, the Administrative Law Judge issued an Order on the Amount of Complainant's Attorney Fees & Costs and an Order on Remand.