

**BEFORE THE STATE PERSONNEL BOARD
IN THE MATTER OF**

STEVEN SYKES,)	
)	
Appellant,)	
)	
v.)	Case No: 25-03-RCS
)	
ALABAMA MEDICAID AGENCY)	
)	
Appellee.)	

RECOMMENDED ORDER TO THE STATE PERSONNEL BOARD

This Recommended Order arises from an employment termination action by the Alabama Medicaid Agency (“AMA”). AMA terminated the employment of Steven Sykes (“Mr. Sykes”) based upon his violation of State Personnel Board General Work Rules. The evidence presented during the hearing showed that more probably than not, Mr. Sykes’ actions were sufficient to justify his dismissal from AMA.

A *de novo* hearing was held on November 5, 2025, at the Alabama State Personnel Department’s Board/Hearing Room in Montgomery, Alabama. Nick Hines, Esq., appeared as counsel on behalf of AMA. Jason Manasco, Esq., appeared as counsel on behalf of Mr. Sykes.

AMA introduced into evidence eight exhibits consecutively numbered AMA Exhibits 1 - 8. Mr. Sykes introduced into evidence one exhibit marked Employee's Exhibit 1, which is Mr. Sykes' personnel file at the Alabama State Personnel Department.

AMA called as witnesses:

- 1) Ashley Ledbetter, Manager of AMA Gadsden District Office;
- 2) Ronica Jackson, AMA Director of Human Resources Department;
- 3) Stephanie M. Azar, (Former) Commissioner of AMA.

Mr. Sykes called as a witness:

- 1) Amanda Sykes, Mr. Sykes' wife ("the wife"), who testified telephonically via FaceTime.

Mr. Sykes testified on his own behalf.

I. PROCEDURAL HISTORY AND CHARGES

On January 4, 2010, Mr. Sykes was transferred from the Alabama State Department of Education and began his employment with AMA as a Medicaid Eligibility Specialist. He was assigned to the Gadsden District Office where he received a promotion to Medicaid Eligibility Specialist, Senior, on June 16, 2014. On September 4, 2024, a Uniform Incident/Offense Report was filed against Mr. Sykes by the wife with the Attalla Police Department. That same month, he was

arrested and charged with: (1) Domestic Violence/Strangulation; (2) Interference with a Domestic Violence Emergency Call; and (3) Domestic Violence 3rd Degree – Assault.¹ On September 9, 2024, AMA Commissioner Stephanie Azar (“Azar”) received notice of potential misconduct of Mr. Sykes, and he was placed on mandatory annual leave, which was extended a number of times.

A Notice of Pre-Dismissal Conference letter dated November 5, 2024, reads, in pertinent part:²

“ ...

“This letter is to notify you that for the good of the service, the [AMA] intends to separate you from your employment with the Agency. Pursuant to Rule 670-X-18-.02 of the State Personnel Board Rules and Regulations, you will be dismissed from employment with the [AMA].

“The Agency has been made aware of your September arrest for felony Domestic Violence. To maintain objectivity and neutrality, the Agency placed you on administrative leave pending further review of the situation. Unfortunately, the review only led to continuing indications both from you and your supporting documentation that an incident did occur. Whether that incident leads to a criminal conviction is not one for the Agency to decide. However, as an employee of Alabama Medicaid, the representation of the Agency by Medicaid employees is one that must be considered, and the seriousness of this incident cannot be ignored.

“You will have an opportunity to discuss this matter at a pre-dismissal conference if you so choose. However, if true, your actions constitute

¹ ALJ File, Tab 7

² AMA Exhibit 6 page 2. Emphasis in original.

the following violations:

“Violation of General Work Rules as defined by the State Personnel Board in Chapter 670-X-19-.01 of the Administrative Code, Conduct unbecoming a state employee.

“You have the right to a pre-dismissal conference. This conference has been set for November 8, 2024, at 10:30 a.m. via teleconference. The link will be forwarded to you via email. You will continue to be on leave without pay until your conference. This conference is an opportunity for you to present your side of the events in response to the allegations against you. You may bring an attorney to the pre-dismissal conference for observation only. After listening to your response, you will be notified in writing of my decision. Again, the Agency is not determining guilt or innocence in this matter. That is not for the Agency to determine.

“The information received by the Agency from you in no way denies the incident occurred, nor does it seek exoneration therefrom. To better understand the entire situation, the Agency went as far as specifically seeking information from a medical professional for the Agency to consider when determining how to proceed with the situation. Unfortunately, it was not helpful as the Agency requested a report that specifically listed out the court documents and other information reviewed by the medical professional. Instead, it only stated, ‘I have reviewed the court documents and warrant’ This is not helpful as the Agency does not know what court documents were reviewed.

“If you wish to waive your right to the pre-dismissal conference, complete the attached waiver and the Agency will move forward with the dismissal process. Should you determine you do not desire a pre-[dismissal conference] on this matter and wish to resign, the Agency will accept your resignation if one is submitted. Please contact [...] at [...] to submit a resignation or if you have any questions or concerns. If you fail to join the hearing via conference call [,] the Agency will move forward with the dismissal. I regret that this action is necessary.

“ ... ”

The pre-dismissal conference was held, and Mr. Sykes was dismissed from employment with AMA on November 8, 2024. *See* November 8, 2024, dismissal letter (“dismissal letter”) signed by Azar.³ On November 18, 2024, Mr. Sykes timely appealed his employment dismissal to the Alabama State Personnel Board and requested a hearing, pursuant to ALA. CODE, § 36-26-27(a)(1975) and Rule 670-X-18-.02.

In the meantime, criminal actions against him were pending in the Etowah Circuit Court. At the pre-hearing conference for the administrative hearing, held on November 26, 2024, Mr. Sykes requested a stay; AMA did not object, and the motion was granted. On September 17, 2025, Mr. Sykes filed a status update indicating that a *nolle prosequere* had been entered by the Etowah Circuit Court and the administrative hearing was thereafter set for November 5, 2025.⁴ On that date, the undersigned conducted a *de novo* hearing (“the hearing”), at which *ore tenus* and documentary evidence was received.

³AMA Exhibit 6.

⁴*Nolle Prosequere*, often shortened to *Nolle Prosequere*, is Latin for “not to wish to prosecute” and is a legal notice that a lawsuit has been abandoned. Although it is in favor of the accused and against conviction, it is not equivalent to an acquittal. *See Black’s Law Dictionary*, Eighth Edition, page 1074.

II. FACTUAL BACKGROUND

Having reviewed the documentary evidence and having heard the testimony presented at the hearing and having observed the witnesses' demeanor and assessed their credibility, the undersigned finds the greater weight of the evidence supports the following findings of facts.⁵

A. Former Employee's Personnel File⁶

Mr. Sykes' performance appraisals while at AMA reflect:

<u>Date Ending</u>	<u>Total Score</u>	<u>Category</u>
06/2009 ⁷	27.50	Exceeds Standards
07/2010 ⁸	27.50	Exceeds Standards
05/2011	20.00	Meets Standards
05/2012	25.00	Meets Standards
05/2013	28.70	Exceeds Standards
05/2014	27.00	Exceeds Standards
12/2014 ⁹	27.00	Exceeds Standards
10/2015	29.00	Exceeds Standards
10/2016	28.00	Exceeds Standards
10/2017	29.00	Exceeds Standards
10/2018	29.00	Exceeds Standards
10/2019	29.00	Exceeds Standards
10/2020	29.00	Exceeds Standards
10/2021	29.00	Exceeds Standards

⁵All references to exhibits and testimony are intended to assist the State Personnel Board in considering this recommended order and are not necessarily the exclusive sources for such factual findings.

⁶See generally SPB Rules 670-X-18-.02(5) and 670-X-19-.01(1)(b) (employee's work record, including performance and disciplinary history, and length of service considered in dismissing employee).

⁷ Final Probationary Appraisal as Disability Specialist

⁸ Final Probationary Appraisal as Medicaid Eligibility Specialist

⁹ Final Probationary Appraisal as Medicaid Eligibility Specialist, Senior

10/2022	28.00	Exceeds Standards
10/2023	28.00	Exceeds Standards
10/2024	28.00	Exceeds Standards

There is no disciplinary history contained in Mr. Sykes' personnel file.

B. State Personnel Board General Work Rule Forming the Basis of the Charges

In its Prehearing Statement of Facts AMA, lays out in clear, concise language, the specific rule AMA charges Mr. Sykes of violating.

“... ”

The [AMA] was made aware of Mr. Sykes September [2024] arrest for felony Domestic Violence. In an effort to maintain objectivity, the [AMA] placed Mr. Sykes on administrative leave pending further review of the matter. [AMA] reviewed available information regarding this incident in an effort to better understand the situation. The information from available sources, indicated an incident, in some form, involving the facts that made the basis of the arrest did occur. An employee's actions can have a negative and deleterious effect on his employer. A pre-dismissal conference was held with Mr. Sykes After the conference, Mr. Sykes was dismissed on November 8, 2024. The dismissal was for conduct unbecoming a state employee. State Personnel Board Rule 670-X-19-.01(b)13.”¹⁰

SPB General Work Rule Forming the Basis of the Charges

Rule 670-X-.01(b)13., which addresses serious violations, provides, in pertinent part:

“(1) In addition to any special rules issued by the various appointing authorities for the guidance of their employees, the following standard

¹⁰ ALJ File, Tab 5

general work rules shall apply to all classified employees:

“... ”

“(b) More serious violations that may result in suspension or discharge on the first offense.

“... ”

“13. Conduct unbecoming a state employee.”

C. Facts Forming the Basis of Dismissal

Background:

At the time of the administrative hearing, Mr. Sykes had been married to Amanda Sykes (“the wife”) since August 2013. They are the parents of one child (“the son”), and the wife has one child from a previous relationship who also lives with them. Prior to the marriage, according to Mr. Sykes, the couple executed a pre-nuptial agreement in which the wife agreed that, in the event of divorce, she was not entitled to remain in the marital residence.

Testimony and documentary evidence revealed that the wife filed the first of two police reports on April 1, 2023, from a hospital. The wife was intoxicated at the time she was admitted, so the police interview and report (“the 2023 police report”) were completed when she was sober. The wife indicated that physical

abuse against her by Mr. Sykes had been “going on for several years.”¹¹ The wife asserted that her hospitalization had occurred after suffering physical abuse for two days; however, the wife refused to sign an arrest warrant or to seek a Protection from Abuse order. Accordingly, AMA was not made aware of the alleged incident (“the 2023 incident”) at that time.

The second police report (“the September 2024 police report”) was filed on September 6, 2024.¹² When AMA became aware of the September 2024 police report, this matter began. Documentary evidence indicates that the wife asserted in the September 2024 police report that Mr. Sykes had choked her and bitten her ear on September 2, 2024. She said that she was motivated to telephone police after the son had been hit by a bottle that Mr. Sykes had thrown at her on September 3, 2024. She reported that Mr. Sykes took her cellular telephone and attempted to stop her from using a neighbor’s telephone to call the police. She alleged that Mr. Sykes then fled the scene. According to the wife, she had been physically abused during their entire marriage, that Mr. Sykes had “anger issues,”¹³ and that he had “over 50

¹¹*Id.*

¹²AMA Exhibit 2, page 2.

¹³AMA Exhibit 2, page 3.

guns in the home.”¹⁴ The wife filed a Petition for Protection from Abuse naming Mr. Sykes as her abuser.

Ashley Ledbetter, Mr. Sykes’ reviewing supervisor, testified that she had supervised Mr. Sykes for ten years and that she first became aware of the September 2024 arrest when Mr. Sykes telephoned her and sent her a text message indicating he would like to explain his arrest and the felony charge. She said that she reported the incident up the “chain of command,” which, for her, was Ronica Jackson (“Jackson”).

Jackson, the AMA Director of Human Resources, testified that after she learned of Mr. Sykes’ September 2024 arrest, she notified Azar, the legal division, and the Personnel Department. Jackson said that she was directed to place Mr. Sykes on administrative leave while a return-to-work investigation took place. She testified that the 2023 police report came to light during the investigation and that Mr. Sykes was notified by a letter dated September 27, 2024, that he was required to “obtain and submit to an evaluation from a licensed medical professional or from the State of Alabama Employee Assistance Program.”¹⁵ AMA required a report from the evaluator with a determination whether Mr. Sykes was a threat to his

¹⁴AMA Exhibit 2, page 5.

¹⁵AMA Exhibit 3, page 6.

coworkers or himself and it stated: “The report must indicate [that] the evaluating professional has reviewed your court documents related to the matter for which you are on administrative leave, and for further clarity, list which documents were reviewed.”¹⁶ The report, which did not contain a list, recommended that Mr. Sykes could safely return to full duty with no restrictions. Jackson provided the report to Azar.

Azar, the AMA Commissioner, testified that after she learned of Mr. Sykes’ arrest, she studied the incident reports in detail and worked with the Human Resources Department to determine whether an incident of domestic violence likely occurred. She testified that she was not concerned with the outcome of the criminal trial, but, rather whether an incident as serious as the one alleged had more likely than not occurred at the hands of a person in the position of Medicaid Eligibility Specialist, Senior, because his position was a position of trust with knowledge of sensitive information and personal contact with extremely vulnerable persons.

Especially relevant to Azar was her observation that the police lieutenant noted in writing that the wife’s and the son’s injuries were constant with the wife’s version of events in the 2024 police report. Similarly, the written observations of nurses noted that the wife’s injuries were consistent with her version of events in the

¹⁶*Id.*

2023 police report. As mentioned *supra*, Azar concluded that the requested report of the medical professional was not as thorough as it should have been. For example, the medical professional referred to the information contained in the 2024 police report as an “isolated incident,”¹⁷ indicating that the medical professional did not have knowledge of the 2023 police report.

Mr. Sykes testified on his own behalf. He denied that he had ever been violent toward the wife. According to him, the wife has a significant alcohol problem, that she falls and hurts herself often, that her drinking is “out of control” and that she is a “non-functioning alcoholic” who cannot hold a job. He said: “She fell all the time, because she was drunk all the time.” He testified that he had threatened to divorce her if she did not stop drinking. He said that she knew that if he divorced her, she would have to leave the marital residence and that her mother would not allow her to drink in her house. Thus, she attempted to hide her drinking from him. He said that her version of events in the 2023 police report was not accurate and that she had accused him and filed a police report in “pure retaliation” for his informing her family that she had been intoxicated and perhaps to get a Protection from Abuse Order that would require him to leave the marital residence instead of her.

¹⁷AMA Exhibit 5.

Mr. Sykes also testified regarding the events leading up to the 2024 arrest. According to him, by August 2024, the wife was frequently intoxicated. He said that he told the wife that he was planning to divorce her in October because “her drinking was just completely out of control at this point, just... I mean, day and night she was drunk, she didn’t work, she’d drink all day/all night... pass out every night.” He also testified that the wife was employed as a daycare worker. He said that he never choked, suffocated, bit, or scratched the wife and that she had instead been bitten and scratched by a child at the daycare a “day or two” before his arrest. He also testified that she had had COVID that same week, and that he had contracted COVID from her. His testimony appeared to be self-serving and to lack credibility.

Additionally, Mr. Sykes testified that because he was sick and the wife was drinking wine, they had argued about who would take the son to baseball practice. He admitted that during the argument, he had thrown a nearly empty soft drink bottle toward a trashcan that inadvertently hit the son’s head. He insisted that the strike had not caused a knot on the son’s head but that the wife threatened to telephone the police. Mr. Sykes testified that he had not interfered with her ability to telephone the police. Rather, according to Mr. Sykes, the wife had left her cellular telephone in his truck. He said that he simply drove his truck to a baseball field to drop off equipment with a coach and went to a hotel because he was too sick to go home.

The wife testified telephonically via FaceTime from a hospital bed. She confirmed that the information in the police reports was inaccurate and that she “supported” the “dismissal” in the criminal action. She said: “I told them that I did not want to press charges.” Her testimony could be characterized as groggy and less than coherent.

Facts Forming the Basis of Dismissal:

In their short statement of facts, AMA highlighted the reason Mr. Sykes was dismissed from State service. The dismissal was for conduct unbecoming a state employee based upon the September 2024 arrest for felony Domestic Violence.

III. ISSUE

Did AMA produce sufficient evidence to warrant Mr. Sykes’ dismissal?

IV. DISCUSSION

The purpose of the administrative appeal is to determine if the termination of Mr. Sykes’ employment is warranted and supported by the evidence. *Kucera v. Ballard*, 485 So. 2d 345 (Ala.Civ.App. 1986); *Thompson v. Alabama Dept. of Mental Health*, 477 So. 2d 427 (Ala.Civ.App. 1985); *Roberson v. Personnel Bd. of the State of Alabama*, 390 So. 2d 658 (Ala.Civ.App. 1980). In *Earl v. State Personnel Board*, 948 So. 2d 549 (Ala.Civ.App. 2006), the Alabama Court of Civil Appeals reiterated:

“[D]ismissal by an appointing authority ... is reviewable by the personnel board only to determine if the reasons stated for the dismissal are sustained by the evidence presented at the hearing.”

Id. at 559, quoting *Johnston v. State Personnel Bd.*, 447 So. 2d 752, 755 (Ala.Civ. App. 1983).¹⁸

In determining whether an employee’s dismissal is warranted, the department or agency bears the burden of proving the charges warrant termination by a “preponderance of the evidence.” The law is well settled that a “preponderance of the evidence” standard requires a showing of a *probability* that the employee is guilty of the acts as charged. Thus, there must be more than a mere possibility or one possibility among others that the facts support the disciplinary action at issue. The evidence must establish that *more probably than not*, the employee performed, or failed to properly perform, as charged. *See Metropolitan Stevedore Co. v. Rambo*, 521 U.S. 121, 117 S.Ct. 1997, 138 L.Ed. 2d 327 (1997), (holding that a “significant possibility” falls far short of the APA’s preponderance of the evidence standard). *See also Wright v. State of Tex.*, 533 F. 2d 185 (5th Cir. 1976).¹⁹

¹⁸ The Alabama Court of Civil Appeals went further to hold: “both this court and the circuit court must take the administrative agency’s order as ‘prima facie just and reasonable’ and neither this court nor the circuit court may ‘substitute its judgment for that of the agency as to the weight of the evidence on questions of fact.’” *Id.* at 559, citing Ala., Code 1975, § 41-22-20 (k); *State Dept. of Human Res. v. Gilbert*, 681 So. 2d 560, 562 (Ala.Civ.App. 1995).

¹⁹ In *Bonner v. City of Prichard*, 661 F. 2d 1206, 1209 (11th Cir.1981), the Eleventh Circuit adopted as binding precedent all Fifth Circuit decisions handed down prior to the close of business on September 30, 1981.

An administrative agency must act within its constitutional or statutory powers, supporting its decision with substantial evidence. “Substantial evidence has been defined as such ‘relevant evidence as a reasonable mind might accept as adequate to support a conclusion,’ and it must be ‘more than a scintilla and must do more than create a suspicion of the existence of a fact to be established.’” *Alabama Alcoholic Beverage Control Bd. v. Tyson*, 500 So. 2d 1124, 1125 (Ala. Civ. App. 1986).

Based upon a review of the credible evidence presented, although Mr. Sykes has a clean personnel file, AMA proved, more probably than not, that a serious violation warranting discharge on the first offense did occur. It is undisputed that Mr. Sykes was arrested for felony Domestic Violence. AMA produced three credible witnesses and documentary evidence indicating a careful and thorough return-to-work investigation was completed. At no time during that investigation did Mr. Sykes deny that he had been arrested. The documentary evidence available to the AMA included two separate police reports with observations of bodily injuries that matched the physical abuse described by the wife. The fact that the wife declined to press charges resulting in the entry of a *nolle prosequere* was perhaps unintentionally explained by Mr. Sykes. He insisted that she is highly motivated to remain married so that she and her children can stay in the marital residence. AMA

proved by a preponderance of the evidence that in all probability Mr. Sykes did act in a manner unbecoming a state employee.

Accordingly, the undersigned finds the totality of the evidence warrants dismissal in this case. Therefore, the undersigned recommends to the State Personnel Board that the dismissal be UPHELD.

Done, this the 8th day of December 2025.



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