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Tennessee Department of Children's Services vs. Edward Dewayne Simmons, Grievant

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**BEFORE THE CIVIL SERVICE COMMISSION
STATE OF TENNESSEE**

IN THE MATTER OF:

**Tennessee Department of Children's
Services**

v.

**Edward Dewayne Simmons,
*Grievant***

DOCKET NO: 26.43-100902J

ORDER DENYING PETITION FOR RECONSIDERATION

In this Civil Service appeal the Tennessee Department of Children's Services was represented by Julie Randall Pablo, Assistant General Counsel. L. Thomas Austin, of the Dunlap bar, represented the Grievant.

On February 10, 2010, an Initial Order was entered in the case, denying the Grievant's appeal. On February 22, 2010, the Grievant filed a Petition for Reconsideration. By way of explanation, the Petition contained only the following statement: "In particular, Grievant avers that the Administrative Judge erred in finding that Grievant has violated Tennessee Department of Personnel Rules and/or DCS policies."

Requirements for granting a Petition for Reconsideration are found in Rule 1360-4-1-.18, Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies. Section (1)(a) contains the following language:

Any petition for reconsideration to a multi-member agency must include the specific grounds upon which relief is requested and, if the petitioner seeks to present new evidence, a statement of the cause for the failure to introduce the proposed new evidence in the original proceeding and a detailed description of

any such new evidence proposed to be introduced, including copies of documents sought to be introduced, identities of proposed witnesses, and summaries of any testimony sought to be presented. . . .

In this case, the Petitioner included no “specific grounds,” as required by the rule, nor any factual or legal basis for granting the requested relief. A vague allegation claiming error on the part of the Administrative Judge fails to satisfy the requirements to grant a Petition for Reconsideration.

Accordingly, since there is no factual or legal basis for overturning the decision in the Initial Order, the Petition for Reconsideration is hereby **denied**.

It is so **ordered**, entered and effective this 10th day of February, 2010.

Ann M. Johnson
Administrative Judge