

ISSUE INDEX

The Issue Index is arranged alphabetically. The issue headings appear on the left margin underlined and in bold. Below each heading you will find short, descriptive summaries of the Commission's rationale and holdings. Each summary, in turn, is followed by a citation to the applicable 2007 Commission decision.

NOTE: The summaries are not law. Please refer to the official Commission decisions for the actual text, rationale, and holdings.

Rule 190 Discipline

In matters involving Rule 190 discipline, the questions before the Commission are whether the department proved, by a preponderance of the evidence, that the employee was properly subject to discipline, and whether the hearing officer's findings of fact are supported by substantial, competent evidence.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

Once a single violation is established on any proper cause issue, it is not the function or the jurisdiction of the Commission to second-guess the state's decision on the level of discipline imposed.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

Establishing proper cause for disciplinary action under Rule 190 taken against an employee for violation of Idaho Dep't of Corrections' policy and directive concerning use of force on an inmate does not require a showing that the inmate sustained injury as a result of the employee's use of force.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

Intentional insubordination is a deliberate or willful refusal by an employee to obey a reasonable order or directive which an employer is authorized to give and entitled to have obeyed.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

Standard and Scope of Review

When considering a petition for review, the Commission reviews the record of the proceeding below together with any briefs or transcripts submitted by the parties.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

Findings of fact made by the hearing officer must be supported by substantial, competent evidence.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

The Commission exercises free review over issues of law.

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)

On petition for review, the Commission may “affirm, reverse or modify the decision of the hearing officer, may remand the matter, or may dismiss it for lack of jurisdiction.” Idaho Code § 67-5317(1).

Worman v. Idaho Dep't of Correction, IPC No. 04-24 (Decision and Order on Petition for Review, June 25, 2007)