

Commonwealth Of Kentucky

Court of Appeals

NO. 2001-CA-002667-MR

WALLACE WALES

APPELLANT

v. APPEAL FROM FRANKLIN CIRCUIT COURT
HONORABLE ROGER L. CRITTENDEN, JUDGE
ACTION NO. 01-CI-00170

COMMONWEALTH OF KENTUCKY,
CABINET FOR FAMILIES AND CHILDREN
AND KENTUCKY PERSONNEL BOARD

APPELLEES

OPINION

AFFIRMING

** ** * * * * *

BEFORE: BARBER, DYCHE, AND TACKETT, JUDGES.

DYCHE, JUDGE. Wallace Wales appeals from an order of the Franklin Circuit Court affirming a decision of the Kentucky Personnel Board upholding the Cabinet for Families and Children's dismissal of Wales for misconduct. We affirm.

The evidence in the record showed that on January 15, 1997, Wales and a female co-worker while on official business

made a stop at Wales's home to allow him to perform a personal errand. While at his home, they engaged in sexual relations; Wales maintains that the act was consensual, the woman alleges that he forcibly raped her. A few days later, she reported the incident to the police and to a rape crisis center, but no further action was taken to prosecute Wales, or to officially report the incident to the Cabinet. The woman also consulted her physician on a continuing basis about the incident and its resulting effects.

It was not until late spring or early summer 2000 that the Cabinet began an initial investigation, which resulted in Wales being terminated on August 14, 2000, for misconduct. His appeal to the Franklin Circuit Court was denied, and this appeal followed.

The sole ground raised by Wales on appeal is that the failure by the Cabinet to initiate proceedings against him sooner was a violation of its own internal regulations relating to sexual harassment, and somehow deprived him of some unspecified procedural due process rights. The authority cited in support of his argument relates to civil rights actions for sexual harassment in the workplace. This authority is clearly inapposite, as this is a personnel matter dealing with misconduct which just happens to be of a sexual nature, not an action by the victim to recover monetary damages against the

employer for the existence of a hostile work environment. We are cited to no relevant authority to support Wales's arguments. The opinion and order of the Franklin Circuit Court clearly sets out the facts and the law applicable to this case, and is affirmed.

ALL CONCUR.

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