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(Neb.)-Court Of Appeals Upholds Firing Of Alliance Police Sergeant



By: Chris Fankhauser Posted at: 02/26/2014 08:02 AM

(Alliance)- The Nebraska Court of Appeals has upheld the termination of an Alliance police sergeant.

Sean Busch was terminated by City Manager J.D. Cox in August, 2012. The termination was upheld by the Alliance Civil Service Commission in October, 2012. The commission's ruling was then upheld by District Court Judge Randy Lippstreu of Scottsbluff in April, 2013.

Busch was terminated after taking five months off work for a wrist injury and requesting more time away from his job, and then providing false information about his recovery.

Court records state that Busch had not worked from March of 2012 through August of 2012, and that on August 6, Cox had requested medical records that would shed some light on Busch's status. Busch refused, which led to his termination.

Busch then requested a public hearing before the civil service commission, who affirmed his termination on October 15, 2012.

Busch took the issue to court stating his termination was not done in good faith; was arbitrary; and that the city did not follow proper procedures for disciplinary actions. He also believed the civil service public hearing was improperly conducted.

However, Judge Lippstreu ruled that evidence presented to the court revealed that Busch was untruthful in his communication with Cox and Police Chief John Kiss concerning a doctor's opinion of July 25, 2012, that Busch could return to work on August 1, 2012 without any physical limitations.

The city did not receive a copy of the doctor's return to work form until it subpoenaed Busch's medical records for the October Civil Service hearing.

In his ruling, Judge Lippstreu stated that Busch's actions were "deceitful at best and fraudulent at worst" and affirmed the Civil Service Commission's decision that Busch's termination was justified.

The Nebraska Court of Appeals ruled that none of Busch's accusations of error by the Alliance Civil Service Commission have merit. The appellate court stated: "The record reflects that the Commission acted within its jurisdiction in affirming Busch's termination from his job, and its decision was supported by sufficient, relevant evidence."

Busch had served with the Alliance police department for 13 years.

(Story courtesy KCOW)