
PUBLIC EMPLOYMENT - TENNESSEE

Moss v. Shelby County Civil Service Merit Board

Supreme Court of Tennessee - March 21, 2023 - S.W.3d - 2023 WL 2579880

Firefighter filed writ of certiorari seeking review of decision of county civil service merit board upholding firefighter's termination.

The Chancery Court affirmed. Firefighter appealed. The Court of Appeals reversed. Board applied for permission to appeal, which was granted. The Supreme Court reversed and remanded. On remand, the Court of Appeals affirmed in part, vacated in part, and remanded. Board filed application for permission to appeal, which was granted.

The Supreme Court held that board's decision at termination hearing to disallow firefighter's questions about more lenient discipline imposed on other employees was not clear error in judgment.

Firefighter's disparate discipline evidence, pertaining to discipline imposed on other fire department employees, was irrelevant to whether there was just cause to terminate firefighter's employment, and thus, county civil service merit board's decision at termination hearing to disallow firefighter's questions about more lenient discipline imposed on other employees was not clear error in judgment that rendered board's decision arbitrary or capricious; essential facts of consequence to board's decision involved firefighter's conduct, and evidence about discipline that might have been imposed on other employees in other situations did not tend to make the facts about firefighter's conduct more or less probable, and he did not claim equal protection violation based on membership in protected class.

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