

Bond Case Briefs

Municipal Finance Law Since 1971

EMPLOYMENT - VIRGINIA

Brickey v. Hall

United States District Court, W.D. Virginia, Abingdon Division - January 23, 2014 - Slip Copy - 2014 WL 268449

The plaintiff, Mr. Randall Brickey, served as a police officer in Saltville, Virginia from December 1, 2006 until May 21, 2012, when he was terminated. In early 2012, Brickey decided to run for an elected position on the Town Council. Defendant Hall, the Chief of Police, advised Brickey that “there would be no problem” with his running for office. Hall subsequently became angry with Brickey over statements he made during the course of his campaign and terminated Brickey on the basis that he violated the code of conduct requirements applicable to all Saltville Police Department employees.

Ha, ha, Brickey won a seat on the Town Council. The police department was unamused. Brickey up and sued.

Brickey asserted various constitutional violations of his procedural due process rights and his first amendment rights to liberty and free speech in connection with his termination.

The court dismissed plaintiff’s procedural and substantive due process claims will, along with all claims for punitive damages, but denied defendants’ motion to dismiss on the claim of retaliatory discharge under the First Amendment.