

**SUBMISSION FROM THE PUBLIC SERVICE COMMISSION**  
**ANTIGUA AND BARBUDA**  
**RE: DISCIPLINARY CASES/HEARINGS**

1) **Disciplinary Cases Pending in the Honourable Attorney General's Office:-**

- a. Three (3) staff in the Accounts Department at the Registrar's Division. Report submitted initially on 3<sup>rd</sup> June, 2013. Officers involved were not interdicted.

Report forwarded to Honourable Attorney General's Office for the framing of charges. The Senior Crown Counsel, Ministry of Legal Affairs, had advised that a forensic audit report is awaited before drafting of the charges for disciplinary proceedings against the officers involved.

A reminder was sent to the Ministry of Legal Affairs on 16<sup>th</sup> July, 2014 from the Chief Establishment Officer.

- b. Customs Officer, Customs and Excise Division. The officer was interdicted with effect from 18<sup>th</sup> June, 2012. The preliminary investigation was carried out and was eventually forwarded to the Ministry of Legal Affairs. Charges were framed against the officer; however the Ministry of Finance, which is the Ministry under which the officer falls, has not provided all of the documentary evidence to the Antigua and Barbuda Public Service Association (which is representing the officer). The Commission had directed that all documents be provided to the association so that natural justice can be seen to have been done.

A reminder was sent to the Ministry of Legal Affairs on 16<sup>th</sup> July, 2014 from the Chief Establishment Officer.

2) **Disciplinary Cases that have taken place in the past 5 Years and how they were concluded:-**

2014

- a. Junior Clerk, Property Valuation Division, Inland Revenue Department. The officer was interdicted with effect from 10<sup>th</sup> January, 2012 and was placed on 50% of salary while on interdiction. The officer was charged with 51 counts of misappropriation of funds over separate but reoccurring instances. Disciplinary hearing was held, and concluded on 28<sup>th</sup> May, 2014.

Decision: Officer require to repay within six (6) months from the date of the decision the amount of \$25,478.00 or further action will be taken; she shall not be eligible for promotion for a period of three (3) years from the date of the decision; she shall be transferred from the Inland Revenue Department to another department where she shall never again be permitted to handle the funds or have access to the funds belonging to the Government; if she repeats such conduct or be in violation of the Civil Service Regulations her services will be terminated.

- b. Junior Clerk, Audit Department. The officer was charged with committing the act of theft against the Government of Antigua and Barbuda, and pawning Government Property (a laptop) without authority.

Decision: The officer was suspended without pay for one month; was seconded to the Ministry of Social Transformation on condition that he receive counseling from the Principal Probation Officer, Citizens' Welfare Division; if the officer repeats such conduct which was the subject of this disciplinary matter, or misconducts himself to offend against or violate any regulation or laws of the Civil Service for which he is to abide, his employment shall be terminated.

- c. Customs Officer, Customs and Excise Division. The officer was arrested and charged for the possession of cannabis, possession with intent to transfer, supplying cannabis and for drug trafficking. Officer interdicted with effect from 10<sup>th</sup> December, 2009 and received 50% of his salary while on interdiction. The officer was convicted of possession of cannabis, possession with intent to supply and drug trafficking in the High Court on 14<sup>th</sup> March, 2014.

Decision: The officer's services were terminated with effect from 14<sup>th</sup> March, 2014 as a result of his conviction.

- d. Supervisor of Orderlies, Holberton Hospital (seconded to Mount St. John's Medical Centre). Officer's secondment at MSJMC was terminated by the hospital due to discovery of previous conviction and a police investigation regarding a complaint of sexual offence.

At its meeting held on 11<sup>th</sup> September, 2013 the Commission noted letter dated 5<sup>th</sup> September, 2013 from the Director of Public Prosecutions to the Chief Establishment Officer advising that the officer has been acquitted of one charge in the September, 2012 Criminal Assizes; has been granted bail on the second charge, but will stand trial on that charge in the September 2013 Assizes.

At its meeting held on 8<sup>th</sup> January, 2014 the Commission noted that the Director of Public Prosecution has advised that the hearing for the second charge against the officer was discontinued and is therefore no longer before the High Court for trial; noted that he was last paid by Mount Saint John's Medical Centre on 31<sup>st</sup> July, 2010; he was remanded to Her Majesty's Prison on 30<sup>th</sup> July, 2010 to 19<sup>th</sup> November, 2012; he was never paid salary by the Ministry of Health; decided that the Chief Establishment Officer should seek legal advice from the Attorney General's Office regarding restoration of salary and the quantum to be paid to him and the way forward in terms of his employment.

At its meeting held on 5<sup>th</sup> March, 2014, the Commission decided that the Permanent Secretary, Ministry of Health, Social Transformation and Consumer Affairs is to instruct the officer in writing to report to the Ministry of Health, Social Transformation and Consumer Affairs with immediate effect and that payment of his salary withheld should be reinstated from the date it was first withheld, as advised by the Attorney General's Chambers, Ministry of Legal Affairs.

On 9<sup>th</sup> July, 2014, the Commission terminated his secondment to MSJMC with effect from 17<sup>th</sup> April, 2014, i.e. the date he reported to the Ministry of Health. He was deployed to the Central Board of Health and assigned duties in the Stores and Transport Section with effect from 17<sup>th</sup> April, 2014.

- e. Customs Officer, Customs and Excise Division. The officer was interdicted with effect from 20<sup>th</sup> March, 2009. Although charges were framed, there was a discrepancy regarding the amount of monies that was actually taken by the officer. A disciplinary hearing was never conducted.

The officer eventually resigned and resignation was accepted with effect from 11<sup>th</sup> July, 2014.

## 2013

There were no disciplinary hearings held in 2013.

## 2012

- a. Senior Executive Officer, Ministry of Sports. The officer interdicted with effect from 12<sup>th</sup> October, 2011 due to reports on the suspected fraud discovered at the Ministry of Education, Gender, Sports and Youth Affairs. He was granted 50% of his salary.

An investigative report was noted by the Commission on 18<sup>th</sup> January, 2012.

On 1<sup>st</sup> February, 2012, the Commission noted the charges filed against the officer. The disciplinary hearing commenced on 25<sup>th</sup> April, 2012 and concluded on 11<sup>th</sup> July, 2012.

Decision: The Commission weighed the evidence presented during the hearing for the officer and came to the following conclusion:-

- that the officer admitted guilt, during the hearing, to all 23 charges of stealing, uttering, embezzling, and fraudulently applying cheques totaling \$95,052.10 from the Ministry of Sports;
- that the officer from the onset, cooperated during the investigations and has shown remorse over his actions;
- that the officer refunded the amount of \$95,052.10 to the Government of Antigua and Barbuda (Ministry of Sports)
- that the officer sought and received counseling to deal with the situation which caused him to commit this infraction.

The Commission, having considered the above, DECIDED as follows:-

- 1) the 50% salary withheld from the officer WILL NOT BE RESTORED;
- 2) that the officer is to be demoted one grade below his substantive position, i.e. to an Executive Officer position;
- 3) that the officer should not be placed in any position where he is required to deal with Government funds;

- 4) that in the event the officer, in the future, is found to commit any misconduct, this infraction will be taken into consideration and he will be dismissed.”

The Commission also **instructed** the officer:-

- a) that a written apology to his supervisor for the forgery he committed is expected, and that it should be copied to the Chief Establishment Officer for onward transmission to the Commission;
- b) that he is to report for duties on the 1<sup>st</sup> August, 2012
- c) that the Chief Establishment Officer will instruct him as to where he will be placed.

- b. Junior Clerk, Treasury Department. The officer was interdicted and paid 25% of her salary with effect from 21<sup>st</sup> April, 2010.

The Commission, at its meeting held on 16<sup>th</sup> June, 2010, noted the report on the Fraud Investigation at the Treasury Department.

At its meeting held on 28<sup>th</sup> September, 2011, the Commission noted the report from the Commissioner of Police in the alleged fraud committed by the officer and another person at the Treasury Department.

Decision: At its meeting held on 17<sup>th</sup> October, 2012, the Commission noted correspondence from the Director of Public Prosecutions advising that the officer was sentenced by the Court to pay restitution of \$50,750.00 commencing August 31, 2012, to be paid in twelve (12) monthly installments of \$3, 395.85, with \$10,000.00 payable immediately. In addition, she must also pay a fine of \$20,000.00, to be payable within six (6) months. In default of the payments she will serve a sentence of two (2) years. The sentences are to run concurrently. The Commission also dismissed the officer with effect from 23<sup>rd</sup> July, 2012, the date the matter ended in Court and the officer was found guilty of fraud and sentenced.

- c. Sundry Officers at the Dunbars Agricultural Station, Ministry of Agriculture. Three (3) officers were accused of fraud and forgery in the Accounts Section of the Dunbars Agricultural Station. The officers were interdicted on 50% of their salary with effect from 10<sup>th</sup> March, 2010. A preliminary investigation was conducted.

At its meeting held on 14<sup>th</sup> July, 2010, the Commission noted a letter from the Director of Public Prosecutions that the matter has been placed in the hands of the police.

Decision: At its meeting held on 29<sup>th</sup> February, 2012, the Commission noted a letter from the Director of Public Prosecution to the Chief Establishment Officer advising that there is insufficient evidence to charge the persons concerned with fraud.

The Commission therefore decided that, based on the documents submitted, that (a) the officers on interdiction are to be re-instated as of 1<sup>st</sup> March, 2012, and (b) the percentage of salary withheld from the officers is to be reimbursed.

- d. Senior Assistant Secretary, Formerly Ministry of Health (Project Officer , OECS Global Fund Project). At its Meeting held on 26<sup>th</sup> August, 2009, it was brought to the Commission's attention that the officer received payment as Project Officer for the Global Fund Project but had not submitted the required information/documentation for the project to the Pan American Health Organization (PAHO) and that PAHO has asked that the payments be refunded to their account. The Commission decided that the Chief Establishment Officer should instruct the Permanent Secretary, Ministry of Health to investigate the matter and refer same to the Legal Department to prefer charges, based on what was in the report.

At its meeting held on 20<sup>th</sup> April, 2011, the Commission noted the report of the Investigation into the Financial Management of the OECS PAF Global Fund Project (Phase II) in Antigua and Barbuda, 2008; decided that the Chief Establishment Officer should forward the report urgently to the Legal Department and request that charges be preferred against the individuals mentioned in the report for misbehavior in public office.

At its meeting held on 6<sup>th</sup> July, 2011, the Commission noted copy of Minute dated 5<sup>th</sup> July, 2011 from Senior Crown Counsel, Ministry of Legal Affairs submitting legal charges against the officer for misconduct.

A Disciplinary Hearing was convened for the period 28<sup>th</sup> to 30<sup>th</sup> November 2011. The Commission considered the evidence presented in the hearing of charges against the officer, and has decided as follows. The decision was handed down at its meeting held on 18<sup>th</sup> July, 2012:-

Charge No: 1 That she misconducted herself by failing to perform her duties.  
Particulars: That the officer whilst serving as Project Officer appointed by the Ministry of Health under Article 5 of the Letter of Agreement made on the 8<sup>th</sup> August, 2008 between the Pan American Health Organization and the Ministry of Health failed to submit quarterly progress reports to the Chief Medical Officer or to the Permanent Secretary in the Ministry of Health contrary to Article 2 of the said Letter of Agreement.

**DECISION:** The Commission found that the officer was not liable under charge one.

Charge No: 2 That she misconducted herself by failing to perform her duties.  
Particulars: That the officer, whilst serving as Project Officer appointed by the Ministry of Health under Article 5 of the Letter of Agreement made on the 8<sup>th</sup> August, 2008 between the Pan American Health Organization and the Ministry of Health failed to submit to the PAHO/WHO within 30 days of the termination of the said Letter of Agreement, that is by 30<sup>th</sup> January, 2009, a final report on the results of the activities to be performed under the work plan for OECS Global Fund, Phase II activities, contrary to Article 6 of the Letter of Agreement.

**DECISION:** The Commission found that the officer was not liable under charge two.

Charge 3: That she misconducted yourself contrary to Instruction 51 of the Financial Instructions of Antigua and Barbuda, 1956  
Particulars: That the officer whilst serving as Principal Assistant Secretary (Ag.) in charge of the Accounts Department in the Ministry of Health procured a payment to yourself of EC \$10,000.00 by cheque without the requisite approval and certification required by the prescribed cheque requisition and payment voucher and contrary to Instruction 51 of the Financial Instructions of Antigua and Barbuda, 1956.

**DECISION:** The Commission found that the officer, while acting in the capacity of Principal Assistant Secretary, authorized payment of EC \$10,000.00 to herself without getting the required authority. She committed a grave irregularity by authorizing the payment to herself, and for that the Commission has made the following decision:-

- a) that the officer is to be suspended for three (3) months without pay with immediate effect;
- b) that the officer is to repay the amount of EC \$10,000.00;
- c) that the officer is to be demoted one grade level below her substantive position, i.e. to an Assistant Secretary position.

## 2011

- a. Acting Field Auditor, Inland Revenue Department. The officer interdicted from the performance of her duties with effect from 25<sup>th</sup> June, 2010 and received 25% of her salary. The investigative report was submitted to the Legal Department for framing of charges. Officer was charged with misconduct in public office. Disciplinary hearing commenced on 23<sup>rd</sup> March, 2011 and concluded on 18<sup>th</sup> May, 2011.

Decision: The Commission found that the officer acted recklessly; and she wrongly and improperly accepted paid employment with a private company during normal working hours contrary to Section 43 (3) (a) of the Civil Service Regulations 1993. The officer recklessly placed herself in a position where her duties as acting Field Auditor I conflicted with the duties she performed during the course of her employment the private company contrary to Section 43 (3) (b) of the Civil Service Regulations ; that by her own admission to the owners of the business she stole a cheque between the 1<sup>st</sup> and 31<sup>st</sup> March, 2009 and forged the signature of one of the owners on a cheque for the sum of EC\$8,450.70 the property of the owners of the business.

The officer was dismissed from the Service based on the above.

## 2010

No disciplinary cases/hearings came before the Commission in 2010.

2009

- a. Uncertificated Teacher, Education Division. The Commission approved the request for disciplinary proceedings to be instituted against the officer. She was interdicted from the performance of her duties with effect from 5<sup>th</sup> June, 2008 and was paid 50% of her salary. A request was made for the Ministry of Legal Affairs to draft charges against the officer; however the necessary information was not received from the Ministry of Education.

In June 2009, the Ministry of Education recommended her termination on the grounds of inappropriate behaviour on the part of the teacher. However, the witness' mother did not wish for her daughter to give evidence in relation to one matter. With relation to another allegations made against the officer, this could not be proven because of lack of documentary evidence. No charges could therefore be drafted against the officer.

Decision: The Commission, at a meeting held on 22<sup>nd</sup> July, 2009, decided to re-instate the officer with effect from 1<sup>st</sup> August, 2009, since the Ministry of Education failed to provide evidence to support the recommendation for the termination of the officer on the grounds of inappropriate behaviour as a teacher.

3) **Cases Pending Disciplinary Hearing over the Past 5 Years:-**

There is only one case pending hearing over the past five (5) years.

Senior Executive Officer, Antigua and Barbuda Defence Force. Officer interdicted with effect from 15<sup>th</sup> May, 2009 pending preliminary enquiry, and was granted fifty (50%) of her salary while on interdiction.

At its Meeting held on the 24<sup>th</sup> November, 2010 the Commission noted the report of preliminary investigations conducted into certain alleged fraudulent activities of the officer and directed the Chief Establishment Officer (Ag.) to forward the report to the Attorney General's Office for the framing of charges, promptly.

At its meeting held on 12<sup>th</sup> January, 2011, the Commission noted the charges that were framed by the Legal Department.

At its meeting held on 18<sup>th</sup> May, 2011 the Commission noted the summary report from the Commissioner of Police, Royal Police Force of Antigua and Barbuda on the officer, and that the matter was now in the hands of the Police.

At its meeting held on 13<sup>th</sup> July, 2011 the Commission noted the charges filed in the Magistrate Court, St. John's against the officer (a Civil Servant with the Government of Antigua and Barbuda attached to the Antigua and Barbuda Defence Force (Accounting Department)).

The criminal case against the officer is still before the courts.