



# CITY OF NEW ORLEANS

DEPARTMENT OF CITY CIVIL SERVICE  
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CITY CIVIL SERVICE COMMISSION  
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AMY TREPAGNIER  
DIRECTOR OF PERSONNEL

Thursday, October 30, 2025

Mr. Brandon Lain

Re: **Brandon Lain VS.  
Office of Housing Policy and  
Docket Number: 9722**

Dear Mr. Lain:

Attached is the decision of the City Civil Service Commission in the above-referenced appeal.

This is to notify you that, in accordance with the rules of the Court of Appeal, Fourth Circuit, State of Louisiana, the decision for the above captioned matter is this date - 10/30/2025 - filed in the Office of the Civil Service Commission at 1340 Poydras St. Suite 900, Amoco Building, New Orleans, Louisiana.

If you choose to appeal this decision, such appeal shall be taken in accordance with Article 2121 et. seq. of the Louisiana Code of Civil Procedure.

For the Commission,

A handwritten signature in purple ink that reads "Stacie Joseph".

Stacie Joseph  
Management Services Division

cc: Tyra Johnson Brown  
Sherri Hutton  
Bryce Murray  
file

**CIVIL SERVICE COMMISSION  
CITY OF NEW ORLEANS**

**BRANDON LAIN,  
Appellant**

**Docket No. 9722**

v.

**OFFICE OF COMMUNITY  
DEVELOPMENT,  
Appointing Authority**

**DECISION**

Appellant, Brandon Lain, brings this appeal of a two-day suspension imposed by the Office of Community Development (OCD) on April 22-23, 2025, pursuant to Article X, Section 8 of the Louisiana Constitution and Civil Service Rule II, Section 4.1. (Ex. HE-1). At all relevant times, Appellant was a permanent employee working as an Accountant III. (Tr. at 65).

A Hearing Examiner, appointed by the Commission, presided over a hearing on June 24, 2025. At this hearing, both parties had an opportunity to call witnesses and present evidence.

The undersigned Commissioners have reviewed and analyzed the entire record in this matter, including the transcript from the hearing, all exhibits submitted at the hearing, the Hearing Examiner's report dated August 8, 2025, and controlling Louisiana law.

For the reasons set forth below, Mr. Lain's appeal is DENIED.

**I. FACTUAL BACKGROUND**

The Office of Community Development placed a computer in Mr. Lain's office in January of 2024 to be used for processing cash receipts. (Tr. at 15, 66). The computer was placed in a secure office because sensitive software purchased with federal grant funds, iNovah, was to be installed on it. (Tr. at 15, 42). In the past, OCD computers were not returned to their original location after being used for community events. (Tr. at 16, 25; Ex. OCD-3 at 1).

Mr. Lain sent an email on April 9, 2025, requesting permission to move the computer out of his office because he was concerned about exposure to infection from the “traffic” from processing cash receipts. (Tr. at 16; Ex. OCD-3 at 5). Mr. Lain testified that he is now caring for his father, who has an immune deficiency. (Tr. at 67). On April 15, Mr. Lain requested the key to the storage room from Corcherrie Allen, the Director of Administrative Support for OCD, but he did not tell her he intended to move the computer. (Tr. at 16, 20). Mr. Lain moved the computer to an unlocked office (Ms. Joyce’s office). (Tr. at 28). When Ms. Allen realized he had moved the computer, she asked him to return the computer to his office. (Tr. at 17). She sent an email at 10:34 confirming that the computer should be located in his office and a second email at 3:45 explicitly stating that the computer should be returned to his office. (Tr. at 17-18; Ex. OCD-3 at 1). Ms. Allen sent a third email on April 16 at 8:31, informing Mr. Lain that it was his “final warning” to move the computer back to his office. (Tr. at 19; Ex. OCD-3 at 3).

Mr. Lain returned the computer to his office after 2:00 on April 16. (Tr. at 74). Mr. Lain testified he did not return the computer until Wednesday afternoon because he was preparing for a meeting on Tuesday and then IT was working remotely on installing/troubleshooting the software. (Tr. at 69-70).

Ms. Allen testified that it has been a “lengthy” process to install iNovah on the computer, and it is not live today. (Tr. at 22). At the time of the hearing, Mr. Lain had not processed any cash receipts. (Tr. at 33).

Tyra Brown, the Director of Housing Policy Community and Workforce Development, testified that she instructed Ms. Brown to tell Ms. Lain to return the computer to his office when she learned that Mr. Lain had moved the computer. (Tr. at 42). Ms. Brown found Mr. Lain’s failure

to return the computer to his office until Wednesday afternoon insubordinate and “rebellious.” (Tr. at 4).

Eventually, OCD moved the computer to Ms. Joyce’s office, but when OCD moved the computer, the office could be secured. (Tr. at 51; Ex. Ap-1).

## II. ANALYSIS

### A. Legal Standard for Commission’s Review of Discipline

“Employees with the permanent status in the classified service may be disciplined only for cause expressed in writing. La. Const., Art. X, Sec. 8(A).” *Whitaker v. New Orleans Police Dep’t*, 2003-0512 (La. App. 4 Cir. 9/17/03), 863 So. 2d 572 (quoting *Stevens v. Dep’t of Police*, 2000-1682 (La. App. 4 Cir. 5/9/01)). “Legal cause exists whenever an employee’s conduct impairs the efficiency of the public service in which the employee is engaged.” *Id.* “The Appointing Authority has the burden of proving the impairment.” *Id.* (citing La. Const., art. X, § 8(A)). “The appointing authority must prove its case by a preponderance of the evidence.” *Id.* “Disciplinary action against a civil service employee will be deemed arbitrary and capricious unless there is a real and substantial relationship between the improper conduct and the “efficient operation” of the public service.” *Id.* “It is well-settled that, in an appeal before the Commission pursuant to Article X, § 8(A) of the Louisiana Constitution, the appointing authority has the burden of proving by a preponderance of the evidence: 1) the occurrence of the complained of activity, and 2) that the conduct complained of impaired the efficiency of the public service in which the appointing authority is engaged. *Gast v. Dep’t of Police*, 2013-0781 (La. App. 4 Cir. 3/13/14), 137 So. 3d 731, 733 (quoting *Cure v. Dep’t of Police*, 2007-0166 (La. App. 4 Cir. 8/1/07), 964 So. 2d 1093, 1094).

**1. The Appointing Authority must show the discipline was commensurate with the infraction**

The Commission has a duty to decide independently from the facts presented in the record whether the appointing authority carried its legally imposed burden of proving by a preponderance of evidence that it had good or lawful cause for disciplining the classified employee and, if so, whether such discipline was commensurate with the dereliction. *Durning v. New Orleans Police Dep't*, 2019-0987 (La. App. 4 Cir. 3/25/20), 294 So. 3d 536, 538, *writ denied*, 2020-00697 (La. 9/29/20), 301 So. 3d 1195; *Abbott v. New Orleans Police Dep't*, 2014-0993 (La. App. 4 Cir. 2/11/15); 165 So.3d 191, 197; *Walters v. Dept. of Police of the City of New Orleans*, 454 So. 2d 106 (La. 1984). The appointing authority has the burden of showing that the discipline was reasonable and not arbitrary or capricious. *Neely v. Dep't of Fire*, 2021-0454 (La. App. 4 Cir. 12/1/21), 332 So. 3d 194, 207 (“[NOFD] did not demonstrate . . . that termination was reasonable discipline”); *Durning*, 294 So. 3d at 540 (“the termination . . . deemed to be arbitrary and capricious”).

**B. OCD Carried its Burden of Showing Cause for the Discipline of Mr. Lain**

OCD has carried its burden of showing the occurrence of the complained-of conduct, Mr. Lain’s removal of a computer from his office without permission and his failure to return the computer to his office until the afternoon of April 16 when so directed on multiple occasions. Mr. Lain explains this delay by stating that he did not want to disconnect the computer and interrupt IT’s work on installing the software. (Tr. at 70-71). However, Mr. Lain unilaterally decided not to comply with his superiors’ request to return the computer, never giving his superiors the opportunity to make a decision about the interruption of software installation/troubleshooting.

This conduct impaired the efficient operation of OCD because two different supervisors were required to address this issue instead of performing other work. (Tr. at 45). More generally, insubordination is disruptive to a department, as the performance of work depends on employees following the instructions of their supervisors.

**C. The Penalty is Commensurate with the Violation**

A two-day suspension for blatant insubordination is commensurate with the violation.

For the reasons set forth above, Mr. Lain's appeal is DENIED.

WRITER:

  

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[John Korn, Vice-Chairperson \(Oct 27, 2025 09:43:23 CDT\)](#)  

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**JOHN KORN, VICE-CHAIRPERSON**

CONCUR:

  

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[Ruth Davis, Commissioner \(Oct 29, 2025 11:47:45 CDT\)](#)  

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**RUTH DAVIS, COMMISSIONER**

  

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[Andrew Monteverde, Commissioner \(Oct 29, 2025 20:45:08 CDT\)](#)  

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**ANDREW MONTEVERDE, COMMISSIONER**