

Judge: No proof fired COD administrator committed misconduct



An administrative law judge has ruled that a fired College of DuPage administrator is entitled to her unemployment benefits because the college failed to prove she committed misconduct.

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Lynn Sapyta was fired in September by COD acting interim President Joseph Collins for what he said was a failure to protect the financial integrity of the Glen Ellyn-based school. Sapyta was assistant vice president of financial affairs and controller at the state's largest community college.

The school challenged Sapyta's attempt to get unemployment benefits by arguing she was terminated for misconduct.

But in a ruling last week, administrative appeals Judge Nancy Lee Burds wrote that Sapyta used best practices to perform her job.

"While she may not have used the suggested or recommended methods of accounting that the employer's expert financial witness stated were used in the industry, the claimant (Sapyta) stated that she followed the methods that were in place when she was hired," Burds wrote.

Burds said there was no proof Sapyta intentionally misstated any financial records. In addition, an audit conducted after Sapyta's termination "found no material misstatements that could have led to misrepresentations."

Burds concluded that Sapyta's actions "did not constitute a deliberate and willful disregard of the employer's interests."

COD spokesman Joseph Moore said the college disagrees with the ruling and intends to appeal.

Sapyta and another fired COD administrator, Thomas Glaser, are suing former COD board Chairwoman

Kathy Hamilton and Collins, claiming both firings violated their constitutional rights of free speech and free association.

Glaser served as senior vice president of administration and treasurer.

Both administrators campaigned against Hamilton supporters Deanne Mazzochi, Frank Napolitano and Charles Bernstein in last year's COD board election. All three were elected.

Once Hamilton became chairwoman and gained control of the seven-member board, she used her position to create policy for COD, "including directing defendant Joseph Collins to unlawfully terminate" Glaser and Sapyta, according to the lawsuit.

The college has responded by saying the lawsuit "makes false allegations." The school has said the assertions made by Glaser and Sapyta "are clearly contradicted by well-established facts."

Sapyta and Glaser were put on leave in June after an audit revealed the college lost roughly \$2.2 million in the Illinois Metropolitan Investment Fund. But the lawsuit says Hamilton planned to fire Glaser and Sapyta before an internal investigation into their actions was completed.

The lawsuit is seeking various items of relief, including back wages and benefits lost, loss of earning capacity, compensatory damages in an amount to be determined and punitive damages in an amount to be determined.

Peter Lubin, one of the attorneys representing Glaser and Sapyta, said in an email that the administrative law judge's decision "completely vindicates" Sapyta and proves she was targeted by Hamilton and Collins for removal.

"As we have maintained all along, if we get impartial decision-makers to hear Lynn's side of the story we will prevail," Lubin said. "Lynn will continue to seek vindication in her federal court lawsuit and expects to achieve the same result there that she achieved before the Administrative Law Judge in her unemployment hearing."