

# Wheeler v. Sarpy County

**Case Number**

A-16-0038

**Call Date**

February 15, 2017

**Case Time**

1:00 PM

**Case Audio**

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**Case Summary**

A-16-0038, Rick Wheeler (Appellant) v. County of Sarpy, Nebraska and Sarpy County Sheriff's Office Merit Comm'n

Douglas County, District Court Judge J. Russell Derr

Attorney for Appellant: Steven M. Delaney, A. Bree Robbins (Reagan, Melton & Delaney, L.L.P.)

Attorney for Appellee: Vincent Valentino, Brandy Johnson (Valentino Law Firm)

Civil Action: Sarpy County Sheriff's Office Merit Commission termination of employment

Action Taken by Trial Court: The merit commission affirmed the Sarpy County sheriff's decision to terminate Wheeler's employment, and the district court affirmed the merit commission's decision.

Assignments of Error on Appeal: On appeal, Wheeler assigns that the district court erred in (1) upholding the termination because the sheriff failed to prove by relevant and sufficient evidence that Wheeler's conduct was 'conduct unbecoming' and that the violation of the 'conduct unbecoming' policy was so grave that his continued employment would affect the operational effectiveness of the sheriff's office, (2) finding that the evidence presented to the merit commission regarding Wheeler's alleged inappropriate sexual touching of G.I. was conduct unbecoming warranting termination, (3) upholding the decision of the merit commission as the decision was arbitrary, capricious, not supported by the evidence, and contrary to agency rules, and (4) upholding the termination of Wheeler as Wheeler was terminated without just cause.

**Case Location**

Lincoln

**Panel Text**

Riedmann, Bishop, and Arterburn, Judges

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