

**BEFORE THE ALABAMA  
STATE BOARD OF SOCIAL WORK EXAMINERS**

**IN THE MATTER OF** )  
 )  
**MELISSA W. IVY, LBSW,** ) **CASE NO. 16-4378B-11**  
 )  
**RESPONDENT** )

**RECOMMENDATION OF THE HEARING OFFICER**

**I. Procedural Posture**

Melissa W. Ivy, (hereinafter “Respondent”), was duly licensed to practice as a social worker by the Alabama Board of Social Work Examiners (hereinafter “Board”). Respondent, at all times in the Board’s Complaint, was and is subject to the Board’s jurisdiction.

Respondent was notified of a formal hearing to be held on February 10, 2017.<sup>1</sup> The Complaint and Order of Formal Hearing were sent to Respondent at her address of record in the Board’s file by certified mail and by regular mail through the United States Postal Service. The regular mail notice was not returned to the Board. The certified notice was returned to the Board marked as “unclaimed.” Both notices were sent to Respondent at . . . . .<sup>2</sup>

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<sup>1</sup> Board Exhibit 8.

<sup>2</sup> Testimony of Holden.

The Board is required by ALA. CODE § 31-13-1, *et seq.*, (1975), to have applicants for licensure and licensure renewal to demonstrate their United States citizenship or, if not a citizen, to demonstrate their lawful presence in the United States. The Board made all licensees aware of the Compliance Requirement both by personal correspondence and on its official website.<sup>3</sup> Respondent failed to respond to any of the four attempts of the Board to assist Respondent in becoming compliant with the statutory requirement.

Respondent did not appear for the hearing scheduled for 10:00 a.m. on February 10, 2017. Respondent did not file an answer to the Board's Complaint as required by Rule 850-X-10-.03(4), which provides in pertinent part: "Failure to file an answer within the time permitted by this rule without good cause shall be construed as an admission that the factual averments contained in the complaint are true."

The Board engaged James Jerry Wood to act as a hearing officer in this matter, pursuant to ALA. ADMIN. CODE r. 850-X-10-.06(4). The undersigned conducted the hearing on February 10, 2017. A quorum of the Board was present. Ellen Leonard, Esq., represented the Board. Board Exhibits 1-8 were admitted without objection.

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<sup>3</sup> Board Exhibits 1-4, and testimony of Holden.

Pursuant to ALA. CODE § 41-22-12(c) (1975), the Board elected to proceed with the hearing without Respondent's presence. The undersigned entered a plea of "not guilty" for Respondent pursuant to ALA. ADMIN. CODE r. 850-X-10-.09.

## **II. Findings of Fact**

The Board called one witness, Brenda Holden (hereinafter "Holden"), Executive Director of the Board. The Board's Complaint against Respondent was admitted into evidence.<sup>4</sup> Holden explained she sent the Order of Formal Hearing and Complaint to the Respondent by certified and regular mail. Holden explained the numerous attempts made by the Board to obtain Respondent's compliance. Holden said Respondent had made no response to the Board's notices. The Respondent was properly served by mail at the address of record she provided to the Board.

The Respondent did not file an answer to the Board's complaint. Respondent is not in compliance with the requirements of ALA. CODE § 31-13-29 (1975). The Board sent Respondent the required immigration form four times. Respondent's failure to comply and her failure to respond to any of the Board's notices and her failure to appear for this hearing leave the Board no choice but to revoke

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<sup>4</sup> Board Exhibit 8.

Respondent's license. Respondent's failure to submit the required immigration form makes her unqualified to practice social work in Alabama.

### **Conclusions of Law**

Based on the testimony and documentary evidence, the Respondent violated ALA. ADMIN. CODE r. 850-X-9-.01(5)(a)3, which requires a social worker to prevent unauthorized and unqualified practice of social work. Respondent intentionally failed to comply with the requirements of ALA. CODE § 31-13-29 (1975).

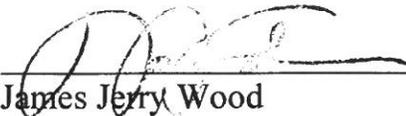
The testimonial and documentary evidence clearly establishes, by a preponderance of the evidence, that Respondent engaged in behavior that disqualifies her from being a licensed social worker in Alabama. The Board's obligation to protect the public requires that it only license persons who qualify. The Board must abide by the extant statutory requirements for licensees. Respondent has demonstrated she is unwilling to meet the Board's requirements for licensure and licensure renewal.

### **RECOMMENDATION**

The undersigned recommends, pursuant to ALA. CODE § 34-30-4(4) (1975), that Respondent not be allowed to continue as a licensed social worker and not be allowed to renew her license as long as she fails to meet the requirements for licensure, including compliance with § 31-13-29. The Board should tax the costs of

this proceeding against Respondent and levy such fine as it may deem appropriate under the circumstances.

Respectfully submitted this 27<sup>th</sup> day of March, 2017.



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James Jerry Wood  
Administrative Law Judge  
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Alabama State Personnel Department  
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**VIA CERTIFIED AND FIRST CLASS MAIL**

Melissa W. Ivv

**VIA FIRST CLASS MAIL**

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