

BEFORE THE ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF)
BRITTNEY HENSLEY,) Case No.: 16-Applicant-02
Respondent.)

COMPLAINT

Upon consideration of the allegations set forth in this Complainant herein, the Alabama State Board of Social Worker Examiners (the "Board"), submits there is sufficient merit in such allegations to warrant the filing of this formal Complaint and alleges as follows:

I.

Respondent, Brittney Hensley, who has applied and approved to sit for the Licensing Exam at the Bachelor level by the Board.

II.

Since the approval to sit for the exam, Respondent, Brittney Hensley, has committed acts in violation of the Code of Ethics and/or the Administrative Code provisions governing the practice of social work in the State of Alabama, to wit:

1. While an approved candidate, Brittney Hensley listed on her resume that she was a licensed bachelor social worker. At that time, she was not licensed as a social worker.

2. In November 2015, Ms. Hensley submitted to Clara Riggs, LGSW, of Alacare Home Health Services an Association of Social Work Board's Official Score report showing that she had passed the Bachelor Examination for Alabama. This document was falsified and at this time Ms. Hensley had not passed the Bachelor Exam.

COUNT

The allegations contained in the Complaint constitute a violation of the Alabama State Board of Social Worker Examiner's Administrative Code, Section 850-X-9-.01(1)(a)2 which states the social worker shall not participate in, condone, or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity. Section 850-X-10.01(2)(b) Committing, or aiding and abetting any fraud or misrepresentation in applying for or procuring a social work license or renewal license.

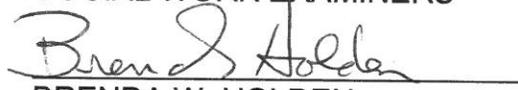
Section 850-X-10.01(2) (d) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public. Under Section 34-30-4, Code of Alabama(1975) may deny an applicant for being found guilty of unprofessional conduct by the rules established by the Board of Social Work Examiners.

WHEREFORE, you are given twenty (20) days to respond to this complaint. Your response and the complaint will be provided to the investigative committee of the Board.

Done this 26th day of February 2016.

ALABAMA STATE BOARD OF
SOCIAL WORK EXAMINERS

BY-


BRENDA W. HOLDEN
EXECUTIVE DIRECTOR

Brenda W. Holden
Executive Director
AL BD of Social Work Examiners
334/242-5860 or 1-888-879-3672
www.socialwork.alabama.gov

Address of Attorney for the Board:

Ellen Leonard
Assistant Attorney General
(334) 242-6989

BEFORE THE ALABAMA STATE BOARD OF SOCIAL WORK EXAMINERS

IN THE MATTER OF)

Brittney Hensley,)
Respondent.)

Case No.: 16-Applicant-02

ORDER OF FORMAL HEARING

For good cause, it is ORDERED that

A formal hearing on the allegations contained in the attached Complaint is hereby set for April 8, 2016 at 10:00AM, in the Conference Room in the office of the Alabama State Board of Social Work Examiners (Board), 100 North Union, Suite 736, Montgomery, Alabama.

Section 34-30-5, Code of Alabama (1975), outlines your rights which shall include:

Your right to the presence of counsel at the hearing at your expense;
Your right to cross-examine witnesses;
Your right to call witnesses on your behalf and to present evidence; and
Your right to subpoena witnesses and documents.

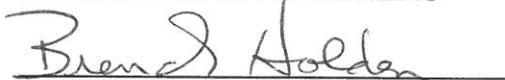
If, after a hearing the Board finds that the allegations against you have been substantiated, it may deny for a period of five years your application for licensure. Section 34-30-4 Code of Alabama (1975).

Your failure to attend this hearing will be considered as a waiver of your rights to be present.

Done this 26th day of February 2016.

ALABAMA STATE BOARD OF
SOCIAL WORK EXAMINERS

BY-

A handwritten signature in cursive script, appearing to read "Brenda W. Holden", is written over a horizontal line.

BRENDA W. HOLDEN
EXECUTIVE DIRECTOR

Address of Attorney for the Board:
Ellen Leonard
Assistant Attorney General
(334) 242-6989



Brenda W. Holden
Executive Director

Alabama State Board of Social Work Examiners
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334-242-5860 or 1-888-879-3672
<https://socialwork.alabama.gov>

June 21, 2016

Ms. Brittney Hensley

Dear Ms. Hensley:

The Board at their meeting on Friday, June 17, 2016, elected to accept the Hearing Officer's recommendation except for the portion of requiring you to pay the cost of the hearing. Please find enclosed a copy of this recommendation.

Should you have any questions you may reach me at the telephone number or address listed above.

Sincerely,

A handwritten signature in cursive script that reads 'Brenda W. Holden'.

Brenda W. Holden
Executive Director

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

IN THE MATTER OF

BRITTANY HENSLEY,

RESPONDENT.

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CASE NO. 16-Applicant-02

RECOMMENDATION OF THE HEARING OFFICER

I. Procedural Posture

Brittany Hensley (“Respondent”) graduated from the University of North Alabama in December 2014. She received a Bachelor in Social Work (BSW) degree. Respondent applied for and was approved to sit for the Licensing Exam at the Bachelor level by the Alabama State Board of Social Work Examiners (“Board”). Respondent, while an approved candidate, listed on her resume that she was a licensed bachelor social worker. She was not. Her misrepresentation violated the Board’s Code of Ethics and Alabama Administrative Code provisions governing the practice of social work in the State of Alabama to wit: §§ 850-X-9-.01(1)(a)2 and 850-X-10.01(2)(b) and (d). ALA. CODE § 34-30-4(c)(6) (1975) provides the Board may deny licensure to an applicant for being found guilty of unprofessional conduct under the rules established by the Board.

In November 2015, Respondent submitted to Clara Riggs, LGSW, of Alacare Home Health Services (“Alacare”), what purported to be an “Official Score Report”

from the Association of Social Work Boards (“ASWB”), which indicated she had passed the licensing exam.¹ Respondent had, in fact, failed the ASWB exam.² The “Official Score Report” submitted to Carla Riggs by Respondent was not an ASWB score report. Respondent did not sit for the ASWB exam on November 23, 2015.³

Respondent, at all times relative to the Board’s complaint, was and is subject to the Board’s jurisdiction.

Respondent was notified of a formal hearing to be held on April 8, 2016.⁴ 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 “unclaimed.” Both notices were sent to Respondent at [REDACTED] [REDACTED] Alabama [REDACTED].⁵ Respondent was aware of the Board’s investigation and of the serious allegations against her.⁶

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

¹ Board Exhibit 1.

² Board Exhibit 5.

³ Board Exhibit 3.

⁴ Board Exhibit 2.

⁵ Board Exhibit 2 and testimony of Brenda Holden, Executive Director of the Board.

⁶ Board Exhibit 4.

hearing on April 8, 2016, at 10:00 a.m. Six Board Members were present. Respondent failed to appear for the hearing. Pursuant to ALA. CODE § 41-22-12(c) (1975), the Board elected to proceed with the hearing without Respondent's presence.

Ellen Leonard, Esq. represented the Board. Board Exhibits 1 – 5 were admitted without objection. The Board called two witnesses, Clara Riggs, LGSW, and Brenda Holden, Executive Director of the Board.

II. Findings of Fact

The Board's complaint against Respondent was admitted into evidence.⁷ In Respondent's absence, a plea of "not guilty" was entered for her by the hearing officer, pursuant to ALA. ADMIN. CODE r. 850-X-10-.09(1).

The Board's first witness was Clara Riggs ("Riggs"). Riggs filed a complaint against Respondent with the Board. Riggs submitted her sworn affidavit detailing her interactions with the Respondent.⁸

The Board's second witness was Brenda Holden ("Holden"), Executive Director for the Board. Holden testified that the Board had received the complaint against the Respondent. Holden explained she had sent the Order of Formal Hearing

⁷ Board Exhibit 2.

⁸ Board Exhibit 1.

and Complaint to the Respondent by certified and regular mail. The Respondent was properly served by mail at the address of record she provided to the Board.

Conclusions of Law

Based on the testimony and documentary evidence, the Respondent violated ALA. ADMIN. CODE r. 850-X-9-.01:

...

(1)(a)2 The social worker shall not participate in, condone, or be associated with dishonesty, fraud, deceit, misrepresentation, or criminal activity.

...

The Respondent is also guilty of the following infractions outlined in ALA. ADMIN. CODE r. 850-X-10-.01:

...

(2)(b) Committing, or aiding and abetting any fraud or misrepresentation in applying for or procuring a social work license or renewal license.

...

(2)(d) Engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.

...

The testimonial and documentary evidence clearly establishes, by a preponderance of the evidence, Respondent engaged in behavior that was dishonest, fraudulent and inappropriate. Respondent, knowingly, filed a falsified form indicating she had passed the ASWB examination with her application to Alacare and Riggs.

Respondent claims she believed she was “licensed” by virtue of her obtaining her degree in social work.⁹ Respondent offered little to no explanation for the forged “Official Score Report” purporting to show she had passed the November 2015 ASWB exam. The evidence is undisputed that Respondent submitted the forged document to Alacare and Riggs. The undersigned recognizes Respondent, by her conduct, has exacerbated her difficult circumstances. However, the Board’s obligation to protect the public requires that it only license persons of honesty and integrity. As an applicant to the Board for licensure, Respondent has not demonstrated the requisite characteristics and has committed serious violations of the Board’s rules and the law.

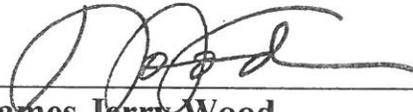
Recommendation

The undersigned recommends pursuant to ALA. CODE § 34-30-4(6) (1975) that Respondent not be allowed to reapply and sit for the examination to be licensed

⁹ Board Exhibit 4.

as a social worker in Alabama for a period of five years. Further, Respondent should be required to pay all maximum applicable fines and be taxed with the costs of this proceeding.

Respectfully submitted this 12th day of May, 2016.



James Jerry Wood
Administrative Law Judge
State of Alabama
Alabama State Personnel Department
64 North Union Street
Montgomery, Alabama 36130
Telephone: (334) 242-8353
Facsimile: (334) 353-9901

VIA FIRST CLASS MAIL

Brenda Holden, Executive Director
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100 North Union Street, Suite 736
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Assistant Attorney General
501 Washington Avenue
Montgomery, Alabama 36130-0152

VIA CERTIFIED AND FIRST CLASS MAIL

Brittney Hensley

