

Date: 20020416

Files: 166-2-30897  
166-2-30898

Citation: 2002 PSSRB 42



Public Service Staff  
Relations Act

Before the Public Service  
Staff Relations Board

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BETWEEN

**JAMIE RENAUD**

Grievor

and

**TREASURY BOARD**  
**(Solicitor General Canada - Correctional Service)**

Employer

***Before:*** Joseph W. Potter, Vice-Chairperson

***For the Grievor:*** Angus J. MacLeod, Counsel

***For the Employer:*** Richard E. Fader, Counsel

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Heard at Kingston, Ontario,  
February 26 to March 1, 2002.



## DECISION

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[1] This case concerns two grievances filed by Correctional Officer (CX-01) Jamie Renaud. The initial grievance was filed on April 5, 2001, and concerns an indefinite suspension. The second grievance was filed on May 23, 2001, and concerns the termination of Mr. Renaud's employment.

[2] At the time of the indefinite suspension, Mr. Renaud was a correctional officer at Kingston Penitentiary (hereinafter referred to as KP). The letter of suspension is dated April 3, 2001 and states, in part (Exhibit E-10):

[...]

*Your suspension is required due to ongoing investigations into alleged acts of misconduct. These allegations include, but are not limited to, the possession and trafficking of cocaine....*

[...]

[3] Following the completion of the investigation into the allegations made against Mr. Renaud, his employment was terminated by way of a letter dated May 22, 2001 and signed by the then Warden of KP, Monty Bourke. The letter states, in part (Exhibit E-11):

[...]

*Based on the evidence gathered, you were involved in acts of very serious misconduct. It has been determined that you sold drugs. I have carefully reviewed all facts and circumstances, and based on all available information, I have concluded that you have violated the Correctional Service of Canada's Code of Discipline and Standards of Professional Conduct. I have concluded that on a balance of probabilities, you have acted in an unethical and unprofessional manner bringing discredit to the Service.*

*In reaching my decision, I have given all due consideration to your disciplinary and employment record and to your denial of all allegations of misconduct. I have also considered your length of service with the Correctional Service of Canada. Given the nature and gravity of your misconduct, I can only conclude that the bond of trust that is fundamental to the employment relationship has been irrevocably broken. Moreover, the behaviour that you have demonstrated is grossly incompatible with the conduct*

*expected of a Correctional Officer of the Correctional Service of Canada.*

[...]

[4] A request was made, and granted, for the exclusion of witnesses. A total of 12 witnesses testified, one being recalled. Counsel for the employer entered 13 exhibits into evidence, and the grievor's counsel entered five exhibits, one of which (Exhibit U-4) contained 17 tabs (T-1 to T-17).

### Background

[5] The employer alleges that Mr. Renaud sold cocaine to a fellow correctional officer, Richard Noble, outside the work location. Mr. Renaud says the event never took place.

[6] Mr. Bourke became the Warden of KP on December 15, 1997. Shortly after his arrival, he received information about inappropriate conduct and corruption with respect to some correctional officers. An internal investigation ran into a dead end; therefore, it was decided to ask for outside assistance from the Royal Canadian Mounted Police (RCMP) and the Ontario Provincial Police (OPP). A joint task force was established and a covert operation, called "Project O Correct", was undertaken from March 1999 to March 2001.

[7] Very few people knew that Project O Correct was being undertaken, for obvious reasons. Aside from the Warden and Deputy Warden at KP, the only other employee at KP who knew about the project was Rick Rogers, the Institutional Preventative Security Officer (IPSO). Jeff McCann, a sergeant with the OPP, was the primary investigator, and Mr. Rogers would liase with Sergeant McCann.

[8] Due to the fact the allegations of corruption related to activities of correctional officers inside KP, Sergeant McCann felt it would be preferable if they could find an inmate to inform them of the activities of suspected corrupt correctional officers. Eventually, an inmate, who will be identified in this decision as Agent #2, was recruited for this task. Agent #2 supplied information to both Mr. Rogers and Sergeant McCann about purchasing contraband from certain correctional officers. Initially, Agent #2 told Sergeant McCann that he (Agent #2) was able to buy alcohol from Correctional

Officer Dave Perkins, following which Mr. Perkins offered to sell him cocaine. Mr. Perkins has since committed suicide.

[9] Mr. Rogers testified that around May 2000, Agent #2 said Mr. Perkins told him about other correctional officers involved in the drug trade at KP, including Mr. Renaud. However, nothing else transpired until June 29, 2000.

[10] On the morning of June 29, Mr. Rogers was preparing to go to work when he received a telephone call from Agent #2, saying that Mr. Perkins had told him that he was meeting with Mr. Renaud that morning. The purpose of the meeting was for Mr. Perkins to purchase cocaine from Mr. Renaud, and it was to occur at the convenience store up the road from KP.

[11] Mr. Rogers immediately left his house and proceeded to KP. Upon arriving at the parking lot at KP, he observed Mr. Perkins walking to his truck. Mr. Rogers decided to follow him and did so until he observed Mr. Perkins drive into the convenience store parking lot.

[12] Mr. Rogers waited around the corner from where Mr. Perkins was parked and noted that Mr. Perkins rolled down his window and waited inside his vehicle. Approximately four to five minutes later, Mr. Rogers saw someone in a Correctional Service uniform walk up to Mr. Perkins' vehicle and lean on Mr. Perkins' window ledge. Mr. Rogers took three pictures of this activity with his camera, two of which were taken while he was trying to reposition his vehicle. These two photographs (Exhibits U-1 and U-3) are blurred, but the third one (Exhibit U-2) shows someone with his back to the camera beside a red truck outside the convenience store. Mr. Rogers identified the individual outside Mr. Perkins' vehicle as Mr. Renaud.

[13] In cross-examination, Mr. Rogers stated that he did not see any money or drugs pass between Messrs. Renaud and Perkins when they met in the convenience store parking lot.

[14] After this event transpired, Agent #2 told Mr. Rogers that Mr. Perkins had informed him that he had purchased a gram of cocaine from Mr. Renaud.

[15] In July 2000, Agent #2 told Mr. Rogers that he had heard that Correctional Officer Rick Noble had purchased some cocaine from Mr. Renaud and that Mr. Noble had been dissatisfied with the quality of the cocaine, suspecting that Mr. Renaud had cut the cocaine to reduce its quality.

[16] Project O Correct went from covert status to overt status in March 2001, meaning at that point interviews began with correctional officers and members of the Project O Correct taskforce.

[17] On March 7, 2001, two RCMP officers interviewed Mr. Noble (Exhibit U-4, T-17). During the course of the interview, Mr. Noble stated that he had had drug and alcohol problems and had purchased cocaine from both Mr. Perkins and Mr. Renaud.

[18] With respect to the purchase of cocaine from Mr. Renaud, Mr. Noble told the investigating officers that he had purchased one gram for between \$80 to \$100.

[19] Mr. Noble was called to testify at this hearing. He stated that he was hired as a correctional officer in 1989 and shortly thereafter he was treated for alcohol abuse. From 1994 to 1999, Mr. Noble was involved in personal recovery and stated that he was mostly clean and sober during this period. However, in 2000, he stopped going to recovery meetings and he said he lost his focus.

[20] Mr. Noble stated that he purchased one gram of cocaine initially from Mr. Perkins in June 2000. Through that purchase, Mr. Noble became aware that Mr. Renaud was supplying cocaine to Mr. Perkins; therefore, in early July 2000, Mr. Noble contacted Mr. Renaud and asked if he could get him a gram of cocaine. Mr. Renaud replied that he could.

[21] Later, while at work, Mr. Noble was told by Mr. Perkins that the cocaine he (Mr. Perkins) had purchased from Mr. Renaud was "good stuff"; therefore, Mr. Noble set up the purchase with Mr. Renaud.

[22] In early July, Mr. Noble said he received a call from Mr. Renaud to tell him to come and pick up the cocaine. Mr. Noble went to an apartment building and paid either \$80 or \$100 for one gram of cocaine from Mr. Renaud. There was another person in the apartment at the time of this purchase, and that was another correctional officer by the name of Dallas Kropelin. Mr. Noble testified that it was Mr. Kropelin's apartment.

[23] About one week after using the cocaine, Mr. Noble saw Mr. Perkins at work and told him about his discontent with the quality of the cocaine. However, he said he did not pursue the issue, as he was "trying to get myself past these things." At that time, he was under the care of an addiction specialist and he testified he was trying to stay clean and sober (see Exhibits E-2 to E-4).

[24] When Mr. Noble was contacted by the RCMP to go for his interview, he stated that he was nervous, but he decided to go and tell the truth. He testified: "I had been struggling with trying to get clean and it struck me as this is what I needed to do."

[25] He said the only error he made in the interview with the RCMP was in saying the purchase took place in Mr. Renaud's apartment. He realized this was a mistake in reviewing the transcript prior to his own disciplinary interview, and stated as much to the internal investigators.

[26] After the completion of the interview, Mr. Noble said he broke down and cried. He said he was aware at that point that the future did not look good for him, as he had spoken out against a fellow correctional officer and this was something you just did not do. He said there was a "rat code" in existence at KP and therefore he knew there would be repercussions from speaking to the RCMP.

[27] He testified that he received late night telephone calls where the unidentified caller would grumble or, on other occasions, say the word "rat". He received a call while at work with the person telling him he was "a rat junkie and a piece of shit." He also had the words "rat" and "junkie" written beside his name in the work logbook.

[28] Mr. Noble said he also experienced what he termed "putting me on the dummy", whereby he would enter a room at work occupied by fellow correctional officers and no one would speak to him.

[29] On September 13, 2001, Mr. Noble stated his employer notified him that a contract had been issued on his life. He was obviously greatly disturbed upon hearing this news and has been off work since October 17, 2001 because of stress.

[30] Under extensive and in depth cross-examination, it was put to Mr. Noble that the seller of the cocaine was not Mr. Renaud but rather Mr. Perkins, as evidenced by the fact Mr. Noble complained to Mr. Perkins about the quality of the product. Mr. Noble

denied this, saying that he complained to Mr. Perkins because Mr. Perkins was aware of the purchase.

[31] It was also suggested to Mr. Noble that he was not truthful at the RCMP interview when he said the purchase took place at Mr. Renaud's apartment. Mr. Noble said he corrected this during his disciplinary interview.

[32] Mr. Renaud said he never sold cocaine to Mr. Noble or to anyone else for that matter, as he does not deal in cocaine. Three boyhood friends of his testified that in their long association with Mr. Renaud, they had never seen him take or be involved in any way with drugs.

[33] Chris Monroe is a correctional officer at Bath Institution, and he testified there were allegations levied against him that he sold cocaine and magic mushrooms to Mr. Perkins. Although initially suspended, he was reinstated because, as was related to him by Mr. Bourke, there was no corroborating evidence of the allegation due to the fact that Mr. Perkins was deceased. He also knew Mr. Renaud and had never seen him be associated with drugs.

[34] Rob Clark, Unit Manager at Pittsburgh Institution, and Keir MacMillan, Assistant Warden at Bath Institution, both testified about their involvement in writing a disciplinary investigation report concerning correctional officer Dallas Kropelin (Exhibit U-4, T-16). It had been alleged that Mr. Kropelin had used marijuana while in the company of another correctional officer. The investigation concluded the allegation could not be corroborated at that time and no action was taken. Both stated, in cross-examination, that the facts of Mr. Renaud's case are different from those of the one they investigated.

[35] Mr. Kropelin was called as a witness on behalf of Mr. Renaud. Mr. Kropelin was asked if he recalled a situation in July 2000 where he and Mr. Renaud were at his apartment and Mr. Noble purchased drugs from Mr. Renaud. Mr. Kropelin replied "no". He was asked if there had been any time when he and Mr. Renaud were in his apartment and he was a witness to a drug transaction between Messrs. Noble and Renaud. The witness replied "no". Furthermore, he knows Mr. Renaud very well and has never seen him involved in any way with drugs.



[36] Following re-examination of Mr. Kropelin by counsel, I asked Mr. Kropelin if Mr. Noble had ever been in his apartment, or any other dwelling that Mr. Kropelin had lived in. He replied "no", that Mr. Noble had not been in any dwelling he had lived in. I asked Mr. Kropelin to describe his apartment, where the purchase of cocaine allegedly took place. He said it was a two-bedroom unit, with a dining-room on the right side and a living-room off of it. A kitchen was to the right of the dining-room and straight ahead was the bedroom. It overlooked a parking lot.

[37] Immediately after the completion of Mr. Kropelin's testimony, I asked that Mr. Noble be recalled for the sole purpose of describing Mr. Kropelin's apartment. Mr. Noble had not been in the hearing room at any time other than when he testified, and was not present when Mr. Kropelin described his apartment.

[38] After being recalled to testify again, I told Mr. Noble that Mr. Kropelin had testified that Mr. Noble had never been in his apartment. Mr. Noble said it was "not true." I then asked him to describe the apartment. He said it was a one or two-bedroom apartment, had a combined living-room/dinning-room with a short hall. It was on the fourth or fifth floor and when you looked out the window, there was a parking lot and adjacent buildings.

[39] Finally, I heard from Mr. Renaud himself. He began his employment as a correctional officer in 1998 and in August 2000 he had a one-day suspension given to him (Exhibit E-12). He said he has never possessed illegal drugs, never sold or gave illegal drugs to Mr. Noble and was never at Mr. Kropelin's apartment doing a drug deal with Mr. Noble.

[40] With respect to meeting Mr. Perkins in the parking lot of the convenience store, Mr. Renaud stated he did not arrange such a meeting. He said he stopped at the convenience store virtually every day he went to work, and saw many other fellow correctional officers there also. When shown the photographs allegedly of his meeting with Mr. Perkins in the parking lot, Mr. Renaud said he could not tell if it was in fact him in the photographs.

[41] Mr. Renaud was asked about his interview with the RCMP concerning Project O Correct (Exhibit U-4, T-15). During that police interview, Mr. Renaud was asked if he would take a polygraph examination and he replied: "I will take a polygraph any time your (*sic*) want" (page 16). Mr. Renaud was not given a polygraph exam.

[42] When asked why Mr. Noble would make up the allegations against him, Mr. Renaud replied that he honestly did not know why.

[43] In cross-examination, Mr. Renaud was asked to describe Mr. Kropelin's apartment. He said that upon entering the apartment there was a hallway to the left. He said it was high up and had a good view out the window, where you could see a parking lot and an adjacent sub-division. The dining area had a table for eating and was a different room from the living-room.

[44] Mr. Renaud's interview with the RCMP was on March 9, 2000 and on April 4, while at work, Mr. Renaud was told to report to the Warden's office. At that meeting, Warden Bourke told Mr. Renaud he was being suspended pending an investigation for trafficking in narcotics. Mr. Renaud replied that it was impossible, as he had never done that. Nevertheless, Mr. Renaud was escorted off the property.

[45] Following the investigation, Mr. Renaud received the letter of termination (Exhibit U-4, T-12).

### Arguments

#### For the Employer

[46] This is a case of an employee with two and one-half years of service, and a disciplinary record, being terminated. The employer has the burden of proof, and it must be supported by clear and cogent evidence. Two questions must be answered, namely:

- (1) Is it more likely than not that the grievor sold drugs?
- (2) If so, does it warrant termination of his employment?

[47] With respect to the first question, either Mr. Noble is lying or Mr. Renaud is lying; therefore, credibility is an issue.

[48] Insofar as the meeting at the convenience store is concerned, Agent #2 called Mr. Rogers and said a meeting would occur that morning involving a drug deal at the nearby convenience store. Agent #2 said the meeting involved Messrs. Perkins and Renaud. Mr. Rogers immediately left his home and went to KP, observed Mr. Perkins leave work and followed him. Mr. Perkins proceeded to the convenience store, parked

his vehicle and waited inside it. About four to five minutes later, Mr. Renaud appeared and went to Mr. Perkins' vehicle and leaned on the window. Some time later, Agent #2 said the drug deal took place in the convenience store parking lot. More likely than not, this was a drug deal.

[49] However, this case turns on the statement of Mr. Noble. He had absolutely no motivation to lie and, in fact, quite the opposite is true. After being interviewed by the RCMP, and telling the truth about the drug deal, he knew what the consequences would be. That is why he broke down and cried. He knew it was a police interview and he was not going to perjure himself.

[50] There was no reason for Mr. Noble to lie during the police interview. It would have been easier for Mr. Noble to just give up Mr. Perkins, as he was dead. Therefore, it is not credible to suggest that Mr. Noble would make up a false story about a cocaine purchase from Mr. Renaud.

[51] He knew the consequences of telling the truth would be severe, and he was correct. He suffers from post-traumatic stress disorder. There is a contract out on him, and he was placed on the "dummy" at work. In short, there was no motive to lie.

[52] Further evidence of Mr. Noble's credibility lies in the fact that he was a witness to the drug deal itself. He described the transaction and he described the location where the drug deal took place in detail. There are common elements in the description of the apartment from both the grievor and Mr. Noble, where each said you would see a parking lot and adjacent buildings.

[53] Mr. Noble testified from fresh memory, and his evidence was consistent with all the surrounding evidence. When one observed the testimony of Mr. Noble, it was clear he was a most credible witness.

[54] Given Mr. Renaud's limited seniority, existing disciplinary record, and the fact that he continues to lie about this incident, the bond of trust can not be restored.

[55] Counsel for the employer cited the following cases: *Flewelling* (Board file 166-2-14236), *Cunningham* (Board file 166-2-18834) and *Re Colchester East Hants District School Board and Canadian Union of Public Employees, Local 1047* (1993), 34 L.A.C. (4th) 72.

For the Grievor

[56] The burden of proof in this case should be clear, cogent and compelling evidence of wrongdoing. This burden has not been met.

[57] With respect to the parking lot incident, Mr. Perkins is dead and not available for cross-examination. Agent #2 pleaded guilty to three counts of murder and got a sweetheart deal; therefore, he is clearly corrupt and unreliable. Also, no drugs or drug money was ever found on Mr. Renaud.

[58] With respect to the alleged drug purchase, it was established that Mr. Noble was both an alcoholic and a drug addict who knowingly involved himself in criminal activities. His motive was simple: to save himself.

[59] Mr. Noble says there was a drug deal. Yet, when one examines his story, it is obvious it has changed. He told the RCMP the deal happened at Mr. Renaud's apartment; yet now he says it was Mr. Kropelin's apartment. Also, we now hear that Mr. Kropelin was a witness; yet there was no indication of this in the RCMP interview.

[60] Mr. Noble could not describe the apartment. Knowing you could see the parking lot could be determined by driving by it at any time. He did not know how many bedrooms there were, and he got the open concept wrong.

[61] There is no evidence that Mr. Renaud uses drugs. No one has seen him use drugs, and no drug paraphernalia has ever been found on him.

[62] The disciplinary investigation into Mr. Renaud relied on evidence that another disciplinary panel rejected out of hand in its investigation of Mr. Kropelin. The investigation has to be fair and objective, which it was not.

[63] We were told correctional officers are to be role models. In Mr. Noble's case, the Warden of KP said no drugs went into the Penitentiary; therefore, Mr. Noble can be trusted and he was not discharged. However, for the exact same thing, the Warden says Mr. Renaud can not be trusted and should be discharged.

[64] Mr. Noble said he bought drugs and then complained to Mr. Perkins. Why complain to Mr. Perkins? The answer is plain and simple: you complain where you got it. Mr. Noble got the drugs from Mr. Perkins, not from Mr. Renaud.

[65] Why would Mr. Noble lie? He went to the RCMP interview with the thought that if they had him, he was going to get a deal. His only way out was to become an informer, but he did not tell the truth.

[66] The evidence of Mr. Renaud was straightforward. He met the questions here head-on and denied any involvement in drugs. He did the same at the RCMP interview. He even offered to take a polygraph test. There is simply no case against him.

[67] Counsel for the grievor cited the following cases: *R. v. Chenier*, [2001] O.J. No. 4708; *R. v. B. (K.G.) [K.G.B.]*, [1993] 1 S.C.R. 740; *R. v. Smith*, [1992] 2 S.C.R. 915; *Tsatsakis v. The Attorney General of Canada* (1998), 152 F.T.R. 146; *Gale*, 2001 PSSRB 85 (166-2-30347) and *Larson* 2002 PSSRB 9 (166-2-30267 to 30269).

#### Rebuttal

[68] Good evidence exists here, in the form of someone who bought and used drugs. It is not necessary to find drugs, or drug money, to show that the actual event took place here.

[69] Any procedural unfairness, if there was indeed any, is cured by the hearing *de novo* before the adjudicator, as per the decision in *Tipple v. Canada (Treasury Board)*, [1985] F.C.J. No. 818:

[...]

*Assuming that there was procedural unfairness in obtaining the statements taken from the Applicant by his superiors (an assumption upon which we have considerable doubt) that unfairness was wholly cured by the hearing de novo before the Adjudicator at which the Applicant had full notice of the allegations against him and full opportunity to respond to them. In particular, it was no error of law for the Adjudicator to give such weight as he thought right to those statements which were, in our view, properly admitted in evidence by him.*

[...]

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Reasons for Decision

[70] This is a termination case where, like an onion, when all the layers are peeled away, we are left with a core issue. In this instance, am I to believe Mr. Noble or Mr. Renaud? That is, in my view, the real case here.

[71] With respect to procedural unfairness on the employer's part, if indeed any existed, it was, as counsel for the employer suggested, cured by the hearing *de novo* before me (see *Tipple (supra)*).

[72] The convenience store parking lot encounter, in my view, lacks compelling evidence for me to conclude that a drug deal took place. No one saw an exchange of money or drugs, and I can not conclude, on the basis of what I heard, that grounds for discipline exist with respect to this incident.

[73] Therefore, that leaves the allegation of selling drugs in the form of cocaine to Mr. Noble. For issues related to credibility, adjudicators often turn to the decision of the British Columbia Court of Appeal in *Faryna v. Chorny*, [1952] 2 D.L.R. 354 At page 357 of his decision, Mr. Justice O'Halloran wrote:

[...]

*In short, the real test of the truth of the story of a witness in such a case must be its harmony with the preponderance of the probabilities which a practical and informed person would readily recognize as reasonable in that place in those conditions.*

[...]

[74] In looking at the facts of this case, I believe I must be satisfied, on the basis of clear, cogent and compelling evidence, that the alleged incident took place before I can conclude that the employer has met its burden of proof.

[75] As a starting point, I will look at who has a motive to lie. Certainly Mr. Renaud has a motive to lie, in that he does not want to be found to have dealt in drugs. However, that is far from conclusive. He could just as easily be telling the truth. Mr. Noble may be lying to save himself, as counsel for the grievor suggested, but this was at great personal expense. Mr. Noble was, I believe, well aware that to inform on a fellow officer could attract retribution in some form from other correctional officers.

There is absolutely no question in my mind that a rat code was in existence at the time of this incident. Mr. Noble had to be aware of the consequences of informing on a fellow officer, and he was lachrymose after his police interview. I have no reason to doubt this.

[76] Mr. Noble has a contract out on his life. He suffers from post-traumatic stress disorder. While at work, he was put "on the dummy", had derogatory names placed beside his name in the logbook and received what can best be described as disturbing telephone calls. However, his evidence remained constant. He said he bought cocaine from Mr. Renaud.

[77] Mr. Renaud's friend, Mr. Kropelin, in whose apartment the alleged drug deal took place, testified that Mr. Noble was never, at any time, in any residence he occupied. Mr. Kropelin then proceeded in the absence of Mr. Noble to describe his apartment. Mr. Renaud was also asked to describe the apartment, and he did so.

[78] Mr. Noble was recalled to the stand for the sole purpose of describing the apartment where the alleged drug deal took place. I noted from the initial testimony of Mr. Noble that he appeared to be what can best be described as an extremely emotionally fragile individual. This is, I feel, understandable, since he knows there is a contract on his life and he suffers from post-traumatic stress disorder. Nevertheless, he returned to testify about the apartment.

[79] When asked to describe the apartment where the alleged drug deal took place, the first thing that struck me was Mr. Noble's unhesitating ability to commence his description of the location. I would have thought that, had he been lying, he would not have been so readily willing and able to describe the location. Without hesitation he described it as a one or two-bedroom apartment; Mr. Kropelin described it as a two-bedroom apartment. Lucky guess? Perhaps, but Mr. Noble knew it contained a bedroom. Mr. Noble said there was a short hall; Mr. Renaud said upon entering the apartment, there was a hallway to the left. Another lucky guess? Perhaps, but then Mr. Noble said the apartment was on the fourth or fifth floor and it overlooked a parking lot and adjacent buildings; Mr. Renaud said the apartment was high up and overlooked a parking lot and an adjacent sub-division.

[80] Counsel for the grievor suggests this description of a parking lot could easily be determined by driving by the apartment at any time. Why would Mr. Noble drive by the apartment if he did not know he would be asked to describe it? I believe Mr. Noble adequately described the apartment and he did so, as I said earlier, without a moment's hesitation on the witness stand. I believe he was in the apartment.

[81] This conclusion means I do not believe either Mr. Kropelin or Mr. Renaud with respect to this issue. Why would two correctional officers lie about the fact someone else was in the apartment? The only conclusion I can reasonably draw is they are trying to hide an event that took place in the apartment.

[82] Mr. Noble admitted to buying drugs in the form of cocaine while in an apartment. He said he bought the cocaine from Mr. Renaud. On the basis of all of the evidence that I have heard, and observing all the witnesses, I conclude that Mr. Noble is telling the truth. Where his story is at odds with other witnesses, I prefer the version proffered by Mr. Noble.

[83] Having determined that Mr. Renaud sold cocaine to Mr. Noble, I must turn to the question of whether termination of employment was appropriate. I believe that trafficking in drugs by a correctional officer is a very serious act of misconduct and that termination of employment is an appropriate disciplinary response to such an act of misconduct in the absence of compelling mitigating factors.

[84] The grievor has two and one-half years of service, with a one-day suspension on his record. He has continually denied selling cocaine, when I found the evidence established otherwise. The employer stated that Mr. Renaud violated the *Code of Discipline* (Exhibit E-8, page 6) and the *Standards of Professional Conduct* (Exhibit E-7). I agree. I believe the bond of trust between the grievor and his employer has indeed been broken in this situation, and I can find no reason to modify the penalty, nor indeed was any offered at the hearing.

[85] Accordingly, for all of these reasons, the grievances are denied.

**Joseph W. Potter,  
Vice-Chairperson**

OTTAWA, April 16, 2002.