

(Background noise and inaudible conversation between unknown parties prior to the conversation between Chief Deputy Tanner and Deputy Hajash.)

BY CHIEF DEPUTY TANNER:

Q I've got a couple things in here, and I'm just to make sure that things are where they need to be. What is happening with you? I've got two different letters of -- I've had it here on my desk somewhere. I'm not losing my mind. I've got two different -- one from Yee for a sick slip and one from Appalachian Psychiatric for sick slip. What's going on?

A Dr. Yee, I had him do all the tests, the medical tests.

Q What medical tests?

A He did two stress tests, an echocardiogram, blood work. In the hospital, the night I went up there to the emergency room, that was the last night I worked, they did blood work and they gave me an echocardiogram, another one, I think, they did that. I didn't tell Dr. Yee what my problems were. I thought maybe I was having heart trouble, because the hospital said fluid around my heart. I never told him about the shooting, my dreams and stuff like that that's bothering me.

DEFENDANT'S
EXHIBIT

tabbies

B

1 Q Uh-huh.

2 A And when he did the test results, he said
3 everything come back normal.

4 Q Uh-huh.

5 A And that's when I told him about that, and he
6 said, "Well, that's a psychological thing. You need to
7 go see a psychiatrist."

8 Q Okay.

9 A And Michael Johnson or -- that's his name,
10 Mike Johnson?

11 Q Mike Johnson.

12 A He hasn't returned my calls in a month.

13 Q Okay. So I have one doctor saying you're
14 unfit for duty, psychologically, which is not true at
15 all, that absolutely will destroy your career, the very
16 thing we're avoiding. I've got another doctor saying
17 you're indefinitely to have time off for chest pain, and
18 that's not true.

19 A Well, he said he was going to take me off
20 until he seen what they can do further with me.

21 Q Do you have chest problems?

22 A It hurts. I mean, I don't have a heart
23 condition, but --

24 Q You don't have fluid on the heart?

A It hurts. I mean, I don't have a heart condition, but --

Q You don't have fluid on the heart?

A No, they couldn't find nothing.

Q You didn't have a massive coronary?

A No.

Q Okay. That's the first rumors, that you've had a coronary, which isn't true; and that you have fluid on your heart, which isn't true. Dr. Yee cannot give you an indefinite sick slip. There's no such thing, unless there's a diagnosis of a problem. You can't just say you're not going to come to work. So Dr. Yee's out of line, and that is not valid.

The next thing is: You applied for Worker's Comp. I would have appreciated it, if you'd checked in and let me know what you're doing. I thought everything's fine. Then I get two doctors' slips, find out that you have a heart condition, that you're not fit for duty psychologically, and that you've applied for Worker's Comp. None of that qualifies for Worker's Comp. Your claim was denied. Do you know what that does to you?

A Huh-uh.

Q It eats all your vacation and sick time up,

and right now, it's not sick time, it's vacation. Do you know you just lost a month of vacation time?

A No.

Q Yeah. It sucks, which is not fair to you; it's not right, and I'm not going to let that happen. Okay? So that's not happening to you, but that is what the law requires, because you're not checking in with anybody. You're calling your own shots and screwing your department, and that was never anyone's intent here.

Who are you seeing, in the way of a psychiatrist, since we've been paying that charge for you?

A Dr. Syed. That doctor seen me the first day that Yee sent me out there.

Q Okay.

A And the next day, I told him about my chest hurting, and he only seen me for about five minutes, and he said to come back later on or call him when I started like that.

Q Well, it's extremely common to have stress-induced chest problems; that's like extremely common. Even I know that, and I didn't stay at a Holiday Inn Express. That's a joke and you can laugh.

Now, my problem is, you are gone until

further notice, you're growing a beard, you're out cutting grass and running around. Meanwhile, you don't have an explanation for being gone, John.

I know that you're acting in good faith, and I know you don't have a devious bone in your body; I know that. I know you're not trying to get away with anything, and I know that; I honestly do. But Dr. Yee can't give you unlimited time off simply because you want it. If he did, how many people would be working here?

A None.

Q Exactly. You think I don't have chest pains every day I come to work? And boy, if I don't have them, when I get here I do. I mean, that's just life.

If there's an organic problem, a physical problem, you have every right to have sick time and time off until you heal up. Now, if it's not an organic physical problem, you don't have fluid on your lungs or your heart, or whatever, then a medical doctor cannot give you an indefinite time off. There's no such thing.

So a doctor can't just give you a free pass to never have to work until you want to. That's not what sick time is. And a doctor's excuse doesn't cover everything. If you have a legitimate condition, it does.

A Uh-huh.

Q He's not giving you a legitimate condition. Your chest has pressure on it. Okay, well, don't go back to work. Okay, that doesn't work. They tested you and you're normal.

A Well, his thing was, he was taking me off, until the psychiatrist seen me and see what he said.

Q It's the psychiatrist's place to do that, not Dr. Yee's place to do that. Dr. Yee can't take you off work for a mental condition, because he's a medical doctor. Do you understand the problems that I'm running into?

A Uh-huh.

Q Dr. Yee has no authority --

A Because he don't practice in that field?

Q -- to take you off work, because you have a mental problem and he's not helping you with it. So what authority, if he's not helping you with it, does he have to take you off work?

A He don't.

Q He doesn't, so that one's out. So the next one is this Dr. Syed work excuse: "John Hajash is under treatment and may be," I'm assuming that's an attempt to spell, "'excused' from work indefinitely until stable."

A He said he wasn't going to write three, six

months, he said, but he needs to see how counseling moves.

Q Okay. That is a real problem. Three to six months off work for what? Don't you think you have a right to know?

A He said he wants me to see somebody else, because he talked to me for probably about an hour, I'd say.

Q Okay.

A And he said that he wants me to come back and see a counselor and, they'll, I think, do tests, whatever kind of tests they do. I don't know. He said the multiple choice test, I guess, to see how I'm thinking and something.

Q You've been off work for a month. Our agreement, that you and I had, was that you were going to go see Mike Johnson and talk to him; that you were going to do that on duty, if you needed to, it just depends on when they set the appointment and that we were going to cover. We would let you -- if I recall, I told you, you could wear blue jeans and drive the cruiser and park away from the place and walk over, or you could take your truck and then do it and drive home, and we would cover the time, and, if you were gone an hour, two hours, it

didn't matter; we were going to take care of it. All that meant you weren't off work, that we were giving you an opportunity to talk and work this out, and get some tools in dealing with your stress.

Now, somehow it went from that to unlimited time off, and I don't see what the issue is; and then I'm asking you and you can't tell me what the issue is. So I'm really concerned on what Dr. Syed --

A Syed, right.

Q All right. Why does Dr. Syed say that you're mentally unstable and not fit for duty?

A He says PTSD.

Q PTSD.

A Post-traumatic stress disorder.

Q Post -- okay.

A He said that's what he thinks its stemming from.

Q When did you go?

A The night of the 14th. My chest was just hurting real, really bad.

Q Now, that's gone. Okay? That's a month ago; right? Since then you're out running around, you're cutting grass, you're doing your chores and activities. How are you doing it?

A Because when I'm off, my chest ain't hurting as bad.

Q Don't be deceptive with me, young man, and tell me what's going on

A What do you mean?

Q -- and how are you doing. Do you want to come back to work here?

A I want to.

Q That's not my question. Are you going to come back to work here?

A Yes.

Q Okay. What is your intention?

A I just want something -- I was wanting help for the chest pains.

Q Okay.

A And I think it's just worrying about coming and --

Q I'm sure it's stress, but you have to deal with that. My problem is, this doesn't seem to have manifested itself until you went to get help. While you didn't have any help and couldn't deal with it, you're doing better than when you get help. That's kind of like you have an illness and you go get the medication to make you better, and you turn to crap. That's not how it's

supposed to work. It's supposed to make you better, you're supposed to get stronger, you're supposed to have tools to be able to deal with this. Instead, what you're doing is, you're spiraling away.

We've lost contact with you. You moved. I don't have a phone number. We don't have any contact. We don't have any history of what's going on. You drop these off. I haven't even seen you in a month, and now it looks like you're taking the summer off. Why aren't you checking in and telling us what's happening and keep us in the loop?

A I didn't know until here -- well, when was it, just a couple of days ago -- I didn't know, I think it was that day, that's when I found out about my test results, because where ARH went on strike, so it's took them forever to get the results back. So I didn't know nothing until then.

Q That isn't my question at all. My question is: Why aren't you checking in and telling us what's going on.

A I didn't know until --

Q Until you know, you could check in, in that month you've been gone and say, "Hey, I don't know, I'm checking my test results; everything seems to be going

okay," or you could have told me, "I talked to Mike Johnson once and turned to crap." We've paid him twice now. If you've seen him once --

A I went twice, and the second time was only just a couple minutes though.

Q Right. So we paid him twice. You could have come in and told me, "This ain't working out, Chief. I've gone from him to him, and here's how it's progressing and what I see going on." What happened there? What happened to the communication flow, that it just completely, instantly stopped?

A I don't know.

Q Sure you do. You're the only who does know, because you're the only one who cut it off. I could have called you, except you changed your cell phone, you changed your home number, your changed your address, and you didn't tell anybody?

A I just changed my cell phone number Saturday.

Q Maybe. I just know when I finally got this and tried to call you, I don't have any information on you now. You don't even have an updated file. So what's going on?

A What do you mean?

Q I mean, what's going on? I don't have an

address for you; I don't have a phone number for you; I don't have a contact for you. If there was a major incident, how would I let you know? If I needed you, how would I let you know?

A I don't know, since I changed my number.

Q I don't either, and that's what I'm asking you.

A I don't guess you could.

Q That's right. How old are you now?

A Twenty-three.

Q At 23 years old, I don't call your mom to get hold of you. You're a deputy; you're a man; you're full grown. This is good as life gets, and I still have to call your mommy. John, that's really not good. I expect more from you. (inaudible) You are a number one, good guy. (inaudible) You're going to be first rate, but this is really -- I don't know if you appreciate how badly you're tearing down everything we're working for, and it's an individual effort on your part.

You went from Mike Johnson to this guy and didn't tell me. So when I get billed I'm not having a clue what they're talking about. We went from handling this internally, when you're at work, to you're suddenly off a month and then give me something, until further

notice, I ain't working here. You come in with a beard, so you have no intentions of coming back to work immediately.

A (inaudible) before I come to work.

Q That's right, brother.

A I mean, that day, that's what I say?

Q Yeah. And my point is, your state of mind is, you ain't coming back to work; that's your state of mind. I don't have an address for you; I don't have a phone number for you; I don't have a way to get in contact with you. You ain't telling me what's going on and you're not stopping by the office, I'm sure, except to pick up your paycheck. You filed for Worker's Comp and you didn't tell anybody. How did you file for Worker's Comp?

A I filled the papers out and sent them in.

Q Uh-huh. Why didn't you let somebody know what you're doing, or did you feel that was a private thing?

A No. I was like everybody was going to hate me, if I told them I was going to do this.

Q Well, if you thought they were going to hate you, why wouldn't you buck up and tell them, rather than let them find out about it when Worker's Comp called and

asked me out of the blue, and I don't know what they're talking about. I'm your employer. You have to let us know what's going on. We're the ones who pay for Worker's Comp. That comes out of the budget here. No one's going to hate you, but I could have saved your (inaudible). Your claim was denied, because it's not a physical injury, and that's what Worker's Comp pays. We have other avenues to take care of you, but you've got to let us in on what's going on. We're here to support you. What happened to you is not your fault on any level, not on any level. It is a horrible, tragic thing that happened to you. It happened to Kade, as well. And we take care of our own. We're here to support and to help you. We're really a family, but you don't get to disown your family and then expect us to (inaudible) everything. It doesn't work like that. It is a family, but you've got to communicate.

A Yeah.

Q Now, I'm really concerned with Syed saying you're unfit for duty. Okay? A little extreme. The problem with that is, is that then he has to say, now that you're fit for duty, you can't come back. If you decided I feel fine, the stress is off and I'm dealing with this and I want to move on with life, you don't get

to come back.

Here's your problem: You have 24 vacation days and 36 sick days. We work a 20-day a month cycle. Since this isn't Worker's Comp, and we subtract your vacation and sick days, guess how many days you have left before you don't get a paycheck here?

A How many?

Q At the end of this month, you don't get paid; you're broke. Then what happens to you? He's going to give you six months off, because you weren't fit for duty and you're not going to get paid? What happens to you, John?

A Lose everything.

Q You lose everything. So we've got to address that. Now, I'm not going to try to get into your head psychologically, because that's not my place, but it is my place to be concerned about you as the Chief, but more as your friend. You, because of your age and your life experience, you're one of the people who can be easily manipulated, because you just haven't seen enough from all angles. It comes with life; it comes with age. It's not against you, but Syed has -- I assume Mike Johnson referred you to Syed and you just didn't pick Syed out of the phone book.