

# STATE APPEAL BOARD CLAIM FORM AND AFFIDAVIT

CLAIM NUMBER

(for Appeal Board use only)

Submit to:  
STATE APPEAL BOARD  
Department of Management  
State Capitol, Room 12  
Des Moines, Iowa 50319

This form is also available on the Internet at  
<http://www.dom.state.ia.us/appeals/index.html>

DATE RECEIVED \_\_\_\_\_  
(for Appeal Board use only)

**Directions:** A **TORT CLAIM MUST** submit 3 complete sets of documents, an original claim form with any attachments and two claim form copies with attachments for **EACH**, CLAIMANT and NOTARY public must sign. A **GENERAL CLAIM MUST** submit 2 complete sets of documents, an original and one copy with attachments for **EACH**. Please see specific directions on the back of this form that pertain to the type of claim you are filing.

1. NAME OF CLAIMANT (please print full name)

CHRISTOPHER JAMES GODFREY

2. DATE OF BIRTH

11/26/1972

3. ADDRESS OF CLAIMANT (Street, City, State, Zip Code)

[REDACTED]

4. TELEPHONE: Home [REDACTED]  
Business ( ) [REDACTED]

Email Address CHRISTOPHER.GODFREY@IWD.IOWA

5. CLAIMANT'S SOCIAL SECURITY NUMBER

OR

FEDERAL TAX IDENTIFICATION NUMBER

[REDACTED]

6. IDENTIFY STATE AGENCY OR DEPARTMENT INVOLVED

STATE OF IOWA | OFFICE OF THE GOVERNOR

7. LOCATION OF ACCIDENT/INCIDENT

<For Tort Claims Only>

DES MOINES, POLK COUNTY, IOWA

8. DATE/TIME OF ACCIDENT/INCIDENT

JULY, 2011

9. SELECT TYPE OF CLAIM: place an X in the box (A SEPARATE claim must be filed by each claimant for each of the three types of claims defined below.)

(1) GENERAL AMOUNT OF CLAIM

FOR TORT CLAIMS, INDICATE ONE OF THE FOLLOWING:

(2) TORT CLAIM AGAINST THE STATE

PROPERTY DAMAGES \$ 0.00

(3) TORT CLAIM AGAINST STATE EMPLOYEE(S)

PERSONAL INJURY \$ 1,000,000.00

Give name and department of employee(s)

WRONGFUL DEATH \$

10. BASIS OF CLAIM (Please provide all the information required on the reverse side of this form. Attach separate sheets if necessary.)

SEE ATTACHMENT A

11. NAME, ADDRESS, TELEPHONE # AND EMAIL ADDRESS OF ATTORNEY, IF ONE HAS BEEN RETAINED IN THIS CASE

ROXANNE CONLIN, 319 7TH STREET, SUITE 600, DES MOINES, IA 50309 | 515-283-1111 | LDG@ROXANNECONLINLAW.COM

12. ATTORNEY'S SOCIAL SECURITY NUMBER

OR

FEDERAL TAX IDENTIFICATION NUMBER

[REDACTED]

I, the claimant, being duly sworn upon oath depose and state that I have read the supplied information and the same is true and correct to the best of my belief.

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_

CLAIMANT'S SIGNATURE

My commission expires \_\_\_\_\_

NOTARY PUBLIC

## ATTACHMENT A

### PARTIES

1. Claimant is, and at all times relevant to this Petition was, a resident of Des Moines, Polk County, Iowa.
2. State of IOWA, a sovereign state as defined in the Iowa Code, has its principal place of business in Des Moines, Polk County, Iowa.

### FACTUAL BACKGROUND

3. On January 3, 2006, Claimant was appointed as Interim Workers' Compensation Commissioner for the State of Iowa by Governor Tom Vilsack. Claimant began work on or about January 9, 2006.
4. Claimant served as Interim Workers' Compensation Commissioner from the time of his appointment until he was confirmed by the Iowa Senate on April 11, 2007.
5. Claimant's initial appointment was for a partial term, as the previous Workers' Compensation Commissioner had resigned midway through a term. The partial term expired in 2009.
6. In 2009, Claimant was appointed by Governor Chet Culver to serve a six-year term as Workers' Compensation Commissioner for the State of Iowa. Claimant's appointment was confirmed by the Iowa Senate on March 30, 2009.
7. Claimant's current appointment will not expire until April 30, 2015.
8. Claimant's position, Workers' Compensation Commissioner, is statutory, mandated by Iowa Code § 86.1 (2011).
9. The duties of the Workers' Compensation Commissioner are defined by statute. Iowa Code §86.8 (2011).

10. Iowa Code § 86.1 (2011) established a six year term of office for the Workers' Compensation Commissioner.
11. Article IV, § 2 of the Constitution of the State of Iowa established a four year term of office for the Governor.
12. Article III, § 3 of the Constitution of the State of Iowa established a two year term for members of the Iowa House of Representatives.
13. Article III, § 5 of the Constitution of the State of Iowa established a four year term for Iowa State Senators.
14. The Iowa legislature set a \$69,045 to \$103,571 salary range for Claimant's position for the fiscal year beginning July 1, 2005. (Iowa Acts 177 § 4(1)(e) (2005)).
15. Claimant's salary from January, 2006, until June 29, 2007, was \$85,000 per year.
16. The Iowa legislature raised the maximum salary for Claimant's position to \$105,640 for the fiscal year beginning July 1, 2006. (Iowa Acts 1185 § 13(1)(e) (2006)).
17. The Iowa legislature set a \$71,115 to \$108,805 salary range for Claimant's position for the fiscal year beginning July 1, 2007. (Iowa Acts 215 § 14(1)(e) (2007)).
18. Effective June 29, 2007, Claimant's annual salary was increased to \$108,804.80, representing the maximum possible salary for Claimant's position.
19. The Iowa legislature set a \$73,250 to \$112,070 salary range for Claimant's position for the fiscal year beginning July 1, 2008. (Iowa Acts 1191 § 14(1)(d) (2008)).
20. Effective June 27, 2008, Claimant's annual salary was increased to \$112,068.84, representing the maximum possible salary for Claimant's position. Claimant's salary remained at this level until July 11, 2011.

21. The Iowa legislature has not amended the salary range for Claimant's position since the 2008 Iowa Acts.

22. While employed by the State of Iowa, Claimant has never been the subject of a disciplinary action.

23. In a letter dated December 3, 2010, TERRY BRANSTAD demanded Claimant's resignation.

24. Claimant refused to resign, because the six-year term to which he was appointed indicated that the Iowa Legislature intended for his position to be non-partisan and insofar as possible insulated from politics.

25. Following Claimant's refusal to resign, Claimant was summoned to a meeting with BRANSTAD, REYNOLDS, and BOEYINK. This meeting took place on December 29, 2010, at a campaign office in Urbandale, Iowa.

26. During the December, 2010, meeting, BRANSTAD, REYNOLDS, and BOEYINK again demanded Claimant's resignation.

27. Claimant informed BRANSTAD, REYNOLDS, and BOEYINK, at the December, 2010, meeting, of the many positive improvements he had instituted at the Workers' Compensation Division. Claimant further agreed to be supportive of the goals espoused by BRANSTAD insofar as doing so would conform to his duties and responsibilities.

28. BRANSTAD and REYNOLDS were inaugurated on January 14, 2011.

29. Claimant continued his work as Workers' Compensation Commissioner and received no complaints regarding his performance.

30. In July, 2011, Claimant was summoned to a meeting with FINDLEY and BOEYINK, political appointees of BRANSTAD. The meeting was held on July 11, 2011, at the Iowa State Capitol, at approximately 1:30 PM.

31. During the July, 2011, meeting, FINDLEY and BOEYINK demanded that Claimant resign his position. BOEYINK specifically referenced the December, 2010, meeting during the July, 2011, meeting.

32. Claimant again asserted that his position was non-partisan and further explained the quasi-judicial nature of the position. Claimant refused to resign.

33. FINDLEY and BOEYINK proceeded to intimidate and harass Claimant into resigning by telling him that his pay would be decreased to the bottom of his pay grade if he refused to resign. Claimant again refused on the basis that his position was not political and/or partisan.

34. FINDLEY and BOEYINK endeavored to intimidate and harass Claimant into resigning by telling him that his pay was being immediately reduced to \$73,250, the minimum amount authorized by the Iowa legislature for the position of Workers' Compensation Commissioner.

35. FINDLEY and BOEYINK made no mention of Claimant's performance of his duties during the July, 2011, meeting.

36. On July 11, 2011, upon returning to his office, Claimant confirmed with human resources that his salary had in fact been reduced to \$73,250.

37. Claimant has continued to perform his duties as Workers' Compensation Commissioner since the date that his salary was reduced.

38. Claimant's duties and responsibilities have not been reduced in any way since his original appointment as Workers' Compensation Commissioner.

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39. The State of IOWA provides no appeal or grievance process for appointed state officers, such as Claimant.

### **BASIS OF CLAIM**

### **PROCEDURAL AND SUBSTANTIVE DUE PROCESS – IOWA STATE CONSTITUTION**

#### **ARTICLE I, § 9**

40. The Constitution of the State of Iowa guarantees that no person shall be deprived of life, liberty, or property, without due process of law.

41. Claimant had a protected property interest in his position of employment, and all benefits and emoluments of employment attached thereto, including his salary, with the State of Iowa as Workers' Compensation Commissioner.

42. The laws of the State of Iowa established an other-than at-will employment relationship between Claimant and the State of Iowa.

43. The State of IOWA deprived Claimant of his constitutionally protected property interest without due process of law by demanding Claimant's resignation for strictly partisan political purposes and drastically reducing Claimant's salary without giving Claimant advance notice of the reasons for the deprivation.

44. The State of IOWA deprived Claimant of his constitutionally protected property interest without due process of law by demanding Claimant's resignation for strictly partisan political purposes and drastically reducing Claimant's salary without giving Claimant an opportunity to be heard.

45. As a direct and proximate result of the State of IOWA's acts aforesaid, Claimant has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief,

restlessness, dismay, tension, and unease, pain and suffering, and has in the past and will in the future suffer loss of wages, loss of earning capacity, benefits, and other emoluments of employment.

46. The State of IOWA's actions perpetrated against Claimant were willful and wanton and done with malice or in reckless disregard for the rights of Claimant, entitling him to punitive damages.

WHEREFORE, Claimant demands judgment against the State of IOWA in an amount that will fully and fairly compensate for Plaintiff's injuries and damages, court costs, attorneys' fees, interest as allowed by law, and for such other appropriate relief as the Board finds may be just and equitable.

**PROCEDURAL AND SUBSTANTIVE DUE PROCESS – IOWA STATE**

**CONSTITUTION ARTICLE I, § 9**

47. The Constitution of the State of Iowa guarantees that no person shall be deprived of life, liberty, or property, without due process of law.

48. The State of IOWA deprived Claimant of a protected liberty interest by stigmatizing Claimant by publicly falsely claiming that their illegal and unreasonable demands for his resignation and ultimate reduction in his pay were due to Claimant's poor work performance.

49. Claimant was never provided with advance notice of the State of IOWA's planned actions, nor was Claimant provided with an opportunity to be heard.

50. The State of IOWA's actions damaged Claimant's standing and association in the community and/or impaired or foreclosed his freedom to take advantage of other employment opportunities.

51. As a direct and proximate result of the State of IOWA's acts aforesaid, Claimant has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear,

depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, and unease, pain and suffering, and has in the past and will in the future suffer loss of wages, loss of earning capacity, benefits, and other emoluments of employment.

52. The State of IOWA's actions perpetrated against Claimant were willful and wanton and done with malice or in reckless disregard of the rights of Claimant, entitling him to punitive damages.

WHEREFORE, Claimant demands judgment against the State of IOWA in an amount that will fully and fairly compensate for Plaintiff's injuries and damages, court costs, attorneys' fees, interest as allowed by law, and for such other appropriate relief as the Board finds may be just and equitable.

### **EQUAL PROTECTION VIOLATION – IOWA STATE CONSTITUTION**

#### **ARTICLE I, § 6**

53. The Iowa Constitution guarantees all persons equal protection of the laws.

54. The State of IOWA deprived Claimant of equal protection of the laws by engaging in a practice or custom with the purpose and intent to discriminate against homosexual individuals, including Claimant.

55. The deprivation of Claimant's Equal Protection guarantee, found in the Iowa Constitution, was the direct result of the policy, practice, or custom of the State of IOWA.

56. Unequal treatment based on sexual orientation is subject to strict scrutiny under the Iowa Constitution.

57. The course of conduct taken by or attributable to the State of IOWA is not tailored to further any substantial or compelling interest. Accordingly, the conduct violates the Equal Protection guarantee found in the Iowa Constitution.

58. As a direct and proximate result of the State of IOWA's acts aforesaid, Claimant has in the past and will in the future suffer mental and emotional harm and anguish, anxiety, fear, depression, loss of enjoyment of life, degradation, disgrace, uncertainty, apprehensiveness, grief, restlessness, dismay, tension, and unease, pain and suffering, and has in the past and will in the future suffer loss of wages, loss of earning capacity, benefits, and other emoluments of employment.

59. The State of IOWA's actions perpetrated against Claimant were willful and wanton and done with malice or in reckless disregard of the rights of Claimant, entitling him to punitive damages.

WHEREFORE, Claimant demands judgment against the State of IOWA in an amount that will fully and fairly compensate for Plaintiff's injuries and damages, court costs, attorneys' fees, interest as allowed by law, and for such other appropriate relief as the Board finds may be just and equitable.