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CONTACT: Danielle Underferth, Communications Manager | 409-785-4701

City Reinstates Indefinite Suspension of James Mathews Jr.

Beaumont, Texas – The City of Beaumont today reinstated the indefinite suspension of James Mathews Jr. from the Beaumont Fire Department.

Mathews was indefinitely suspended in October 2008 due to his actions following a minor automobile accident and the altercation that ensued. He was acquitted of the criminal charges in July 2009 when the alleged victim failed to show up in court. An independent arbitrator ordered Mathews reinstated. Upon appeal by the city, the 60th District Court agreed with the decision of the arbitrator and the city then appealed to the 9th Court of Appeals.

On Aug. 31, the 9th Court of Appeals voided the arbitrator's decision reinstating Mathews. Appellate Justices Steve McKeithen, David Gaultney and Hollis Horton issued a unanimous opinion stating that the arbitrator exceeded his jurisdiction by reinstating Mathews based on procedural issues, without having first conducted a hearing.

The court's opinion also indicates:

- The arbitrator was incorrect in refusing to hear evidence relating to the original incident, reversing Mathews' termination solely and incorrectly on the procedural issue.
- The City made adequate connections in its original termination document between Mathews' actions during the altercation, and specific civil service and departmental rules violated.

The opinion states, “[The arbitrator] reinstated Mathews without an evidentiary hearing, although the notice stated the acts for which Mathews was charged.”

Based on the court's decisions, the city has exercised its right to reinstate the original indefinite suspension.

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