

Theft: Nursing Home Employee Was Defamed By Her Former Employer's Comments.

A nursing home employee whose case we reported in February, 2005 and again in January, 2008 has finally obtained a definitive ruling from the Supreme Court of Connecticut upholding a \$227,481 verdict in her favor.

A long-time resident of the facility had told the administrator and her son that she wanted the facility's admissions counselor to have her furniture after she passed away.

After she passed, as her family members were removing her personal property from the room, the admissions counselor took a couple of chairs home with her.

Later that day the administrator confronted her with the fact it was a violation of facility policy to accept any gratuity or gift of any sort from a patient or family.

The admissions counselor returned the items that day, but was terminated for theft of a resident's property.

People in the local small town came to believe that the admissions counselor was fired under heinous and loathsome circumstances, that is, for stealing a vulnerable person's property after the person was dead. In fact it was just a misunderstanding of the facility's zero-tolerance policy against gratuities and gifts.

The court endorsed the facility's policy which strictly forbade employee acceptance of any gift or gratuity from a resident or a resident's family.

The court determined at the same time, however, that the facility's administrator was guilty of defamation of character for circulating malicious gossip which grossly distorted the seriousness of what the admissions counselor had done and which gravely damaged her reputation in the local community. **Gambardella v. Apple Health Care, Inc.**, 291 Conn. 620, __ A.2d __, (Conn., May 19, 2009).