

Defamation: Employee Can Sue Over Theft Allegations.

A case we reported in February, 2005 went to trial a second time in July, 2007 and produced a substantial verdict for a nursing-home employee wrongfully accused of theft of a resident's property.

See *Defamation: Employee Can Sue Over Theft Allegations*. Legal Eagle Eye Newsletter for the Nursing Profession (13) 2, Feb. '05 p.5.

The admissions counselor was fired for "theft of facility property."

People in the town believed she was fired for stealing furniture from a dead lady.

In fact, it was just a misunderstanding of policy.

SUPERIOR COURT, WATERBURY
COUNTY
CONNECTICUT
July 12, 2007

The resident had actually told the administrator and others she wanted the admissions counselor to have her furniture after she passed.

However, accepting any sort of gift from a resident was a violation of nursing home policy. When confronted, the admissions counselor returned the two chairs the same day. Then she was fired.

Theft of property from a vulnerable person after her passing would be a heinous offense, while an honest misunderstanding of facility policy is not so serious.

Defamation, that is, false allegations which grossly distorted and magnified the seriousness of what she had done was the legal basis for the fired admissions counselor's lawsuit. The jury in the Superior Court, Waterbury County, Connecticut ordered her former employer to pay \$227,481. [Gambardella v. Apple Health Care, 2007 WL 4259537 \(Sup. Ct. Waterbury Co. Connecticut, July 12, 2007\).](#)