

Hamel loses a round with Judge Robinson

She won't reconsider ruling on new hearing

By JERRY HAGER

Staff reporter

WILMINGTON — Dr. Ali Z. Hameli was unable to convince a federal judge Monday to reconsider her ruling that the suspended state chief medical examiner must have a new hearing on his firing.

U.S. District Judge Sue L. Robinson refused to grant

Hamel's motion to overturn her order that the state hold a new personnel hearing within 30 days.

The state is trying to fire its chief medical examiner of 30 years, claiming he sexually harassed two former female employees.

Hamel's attorney, Sheldon N. Sandler, is trying to force the state to abide by an agreement that a federal judge's 1994 ruling in favor of Hameli would be binding on both parties.

Neither side was to appeal her decision that there were no grounds

to fire the medical examiner.

Sandler has filed suit in the state Court of Chancery seeking to have the agreement with the state enforced.

"It was like any other contract," Sandler said. "Judge [Mary Pat] Trostle was to be the sole arbitrator and the state reneged," he said.

State Solicitor Michael J. Rich said the state is preparing to hold the hearing by the end of the month, as Robinson ruled. Rich declined to comment on the suit, because he had not been served with

the court papers.

A hearing was held for Hameli in 1995 before U.S. Magistrate Mary Pat Trostle. Trostle ruled there were no grounds to fire Hameli.

The state appealed Trostle's ruling and Robinson, while not overturning the magistrate, ruled that she had no jurisdiction to preside over the hearing, requiring a new hearing.

Robinson ordered Hameli reinstated and he has remained suspended but is collecting his salary.