

State of New Hampshire



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PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
Telephone (603) 271-3261

APPEAL OF EVELYN J. BLAIS Docket #90-0-8

Date: December 6, 1990

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Bennett) met Wednesday, November 7, 1990, to review the Division of Personnel's Motion to Dismiss the appeal of Evelyn J. Blais relative to denial of benefits provided by HB-1506-FN-A to certain laid off employees.

Ms. Blais' appeal, filed May 25, 1990, alleged that she had received inconsistent information concerning benefits which might be available to her under the provisions of HB-1506, and that having relied upon that information accepted a temporarily funded position with the Youth Services Center rather than accept separation from service as a result of a reduction in force. Ms. Blais also alleged that when the funding for that position was exhausted, and she was notified that the position would be ending, she was informed that she would not be eligible for benefits available to certain laid off employees as the position she had voluntarily accepted was known to be of a temporary nature.

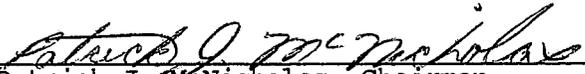
On October 24, 1990, Personnel Director Virginia A. Vogel submitted to the Board a Motion to Dismiss, simultaneously forwarding a copy of that motion to the appellant. As grounds for dismissal of Ms. Blais' appeal, the Division argues that the appellant's appeal is unrelated to the application of any Personnel Rules, having been founded solely upon the provisions of Chapter 2.61, Laws of 1990 (HB1506), and that the Board had no authority to hear such appeal. In support of that argument, the Director cites the Appeal of Carol Higgins-Brodersen and William McCann vs. The NH Liquor Commission, (N.H. Supreme Court Case No. 89-139, August 27, 1990). Further, the Director argues that Ms. Blais' appeal is moot, in that Ms. Blais was transferred to a full time position on June 15, 1990, with all of her benefits intact.

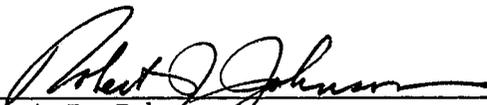
No objection was filed by the appellant.

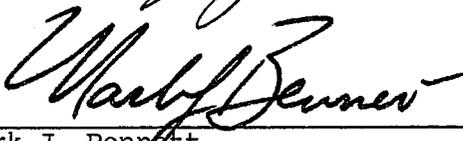
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The Board, having considered the submissions by the parties, voted unanimously to grant the Division of Personnel's October 24, 1990 Motion, thereby dismissing Ms. Blais' appeal, and to declare such appeal moot.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


Robert J. Johnson


Mark J. Bennett

cc: Evelyn J. Blais, RR #1 Box 354, Damsite Road, Center Barnstead, NH 03225
Virginia A. Vogel, Director of Personnel
Jan D. Beauchesne, Human Resource Coordinator, C.O.M.B./H.H.S.
Donna Martel, Administrator, Youth Services Center
Civil Bureau, Attorney General's Office