

# State of New Hampshire



## **PERSONNEL APPEALS BOARD**

25 Capitol Street  
Concord, New Hampshire 03301  
Telephone (603)271-3261

## **APPEAL OF CARL ERICSON**

**Docket #93 - C - 14**  
**Department of Safety**  
**Division of State Police**

**January 19, 1994**

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Rule) met Wednesday, September 1, 1993, to hear the classification appeal of Carl Ericson, an employee of the Department of Safety, Division of State Police. An appeal was filed on Trooper Ericson's behalf on January 29, 1993, by Attorney Mykel Hitselberger, 28 Jonathan Street, Hagerstown, Maryland 21740. The Notice of Appeal alleged that on January 15, 1993, Trooper First Class Carl Ericson was notified that he had been denied reclassification from Trooper First Class to Corporal. Attorney Hitselberger alleged that the Division of Personnel had authorized promotion of Trooper First Class incumbents to the rank of Corporal after successfully completing certain conditions (i.e., successful completion of the corporal's examination and completion of NCO school). However, Attorney Hitselberger alleged that Ericson was not recommended by his supervisors for reclassification and was subsequently denied reclassification to that rank.

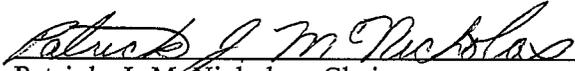
On February 1, 1993, docket notices were forwarded to all the parties to the appeal, specifically Mr. Hitselberger, attorney for the appellant; Virginia Lamberton, Director of Personnel, Col. Lynn Presby, Director of the Division of State Police; and Maj. Thomas Kennedy, Executive Major for the Division of State Police.

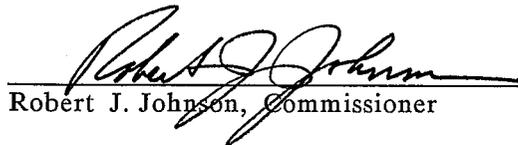
By memorandum dated February 11, 1993, the Division of State Police forwarded to the Board its "Answer" and Motion to Dismiss the instant appeal. A copy of that correspondence was forwarded to the appellant's attorney. The appellant's attorney did not respond to the motion, nor did he forward supporting documentation within 20 days of filing his appeal as required by the Rules of the Personnel Appeals Board [Per-A 208.02(a) and (c)].

The representatives of record were notified of the scheduled hearing date by Appeals Board notice dated July 2, 1993, Major Thomas Kennedy and Attorney Clarence Bourassa appeared on behalf of the Department of Safety. Virginia Lamberton, Director of Personnel, appeared on behalf of the Division of Personnel. Neither the appellant nor his representative of record appeared for the scheduled hearing.

The Board, on its own motion, voted to dismiss the appeal, solely in consideration of the appellant's failure to appear or have a representative appear on his behalf.

THE PERSONNEL APPEARS BOARD

  
\_\_\_\_\_  
Patrick J. McNicholas, Chairman

  
\_\_\_\_\_  
Robert J. Johnson, Commissioner

  
\_\_\_\_\_  
Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel  
Mykel Hitselberger, Esq., 28 Jonathan Street, Hagerstown, Maryland, 21740  
Major Thomas Kennedy, Division of State Police  
Clarence Bourassa, Esq., N.H. Department of Safety