

State of New Hampshire

PERSONNEL APPEALS BOARD
Edward J. Haseltine, Chairman
Gerald Allard
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EXECUTIVE SECRETARY
Mary Ann Steele

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1988-C-000

APPEAL OF FRANCIS H. LA BRANCHE

February 2, 1988

At its meeting of January 12, 1988, the Personnel Appeals Board, Commissioners Cushman and Platt sitting, reviewed the classification appeal matters pending before it. The Board reviewed the filing of the appeal request of Dr. LaBranche and voted unanimously to dismiss the matter, finding that the original request for hearing did not state grounds for the appeal, nor was the appeal timely filed.

In support of this decision, the Board found that the matter under appeal was a June 16, 1987 decision by the Division of Personnel denying a request to upgrade the appellant's position at the New Hampshire State Prison. The appellant's request for a hearing, dated July 8, 1987, and received approximately one week later, was not timely filed. The Rules of the Personnel Appeals Board, Per-A 202.01 (a) states, "Any notice of appeal shall be filed in writing within fifteen (15) days of the action giving rise to the appeal." In this instance, the action giving rise to the appeal was the director's June 16, 1987 decision denying the requested upgrading. The initial review request forwarded to the Division of Personnel had been made by Commissioner Ronald Powell. Accordingly, notification of the director's decision was sent to Commissioner Powell. As prescribed by the Rules of the Personnel Appeals Board, an appeal of that decision should have been received by the Board within fifteen days of the date of the director's decision, or no later than Wednesday, July 1, 1987. The letter of appeal was dated July 8, 1987 and could not be considered timely, even if the Board had received same on that date.

The appeal is, therefore, dismissed.

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in blue ink that reads "Mary Ann Steele".

MARY ANN STEELE
Executive Secretary

cc: Francis H. LaBranche
N.H. State Prison

Ronald L. Powell, Commissioner
Department of Corrections

Virginia A. Vogel
Director of Personnel