

State of New Hampshire

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PERSONNEL APPEALS BOARD

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

APPEAL OF RICHARD REYES New Hampshire Department of Corrections

Docket #92-P-17

November 19, 1992

The New Hampshire Personnel Appeals Board (McNicholas, Johnson and Rule) met Wednesday, November 4, 1992, to consider Richard Reyes' appeal of non-selection for promotion to Corrections Corporal. SEA Field Representative McCormack appeared on behalf of the appellant. Attorney Michael Brown appeared on behalf of the Department of Corrections. The appellant was not present.

In his February 4, 1992 letter of appeal filed on the appellant's behalf, Mr. McCormack argued Mr. Reyes' had been improperly denied consideration for promotion, based on the department's allegations the appellant had become "unduly familiar" with prisoners and had engaged in "improper communications with prisoners". Mr. McCormack said the appellant denied those allegations and argued that his name should not have been removed from the Corporal Promotional Register.

The parties were notified by order dated October 13, 1992, a hearing on the merits of Mr. Reyes' appeal had been scheduled for November 4, 1992. By letter dated October 15, 1992, Mr. McCormack requested the hearing be postponed. He advised the Board that Mr. Reyes had resigned from his employment with the State of New Hampshire on March 10, 1992, and was no longer residing at the address last known to the State Employees' Association and the Department of Corrections. He said he had attempted to contact the appellant by telephone about the hearing and found the phone had been disconnected. Mr. McCormack provided the Board with a copy of a letter dated October 30, 1992, which he had sent to the appellant's last known address, requesting the appellant contact him immediately concerning his intentions to either pursue or withdraw the appeal. He said the appellant had not responded.

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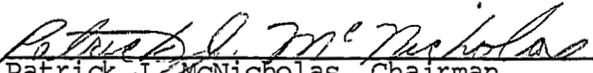
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Mr. Brown argued the matter was ripe for dismissal, since it was the appellant's responsibility to keep his own representative apprised of his whereabouts.

The Board voted to dismiss the appeal.

FOR THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman

cc: Virginia A. Vogel, Director of Personnel
Michael K. Brown, Esq., Department of Corrections
Stephen J. McCormack, SEA Field Representative