

# State of New Hampshire



**PERSONNEL APPEALS BOARD**  
25 Capitol Street  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

## Appeal of Joseph Bailey – Docket #2010-D-015 Department of Transportation

May 6, 2010

The New Hampshire Personnel Appeals Board (Wood, Johnson, Bonafide and Casey) met in public session on Wednesday, May 5, 2010, under the authority of RSA 21-I:58, for a scheduled prehearing conference in the above-titled appeal. Mr. Bailey, whose appeal was filed *pro se*, was represented at the prehearing conference by Carla Bailey. Assistant Attorney General Lynmarie Cusack appeared on behalf of the Department of Transportation.

Ms. Bailey advised the Board that Mr. Bailey had only recently learned that the Rules of the Division of Personnel provide for an informal settlement process to resolve disputes prior to appeal, and indicated that Mr. Bailey would be interested in pursuing that option if the Board and the Department of Transportation would agree. Ms. Cusack stated that the Department would not object to the timeliness of the informal settlement request, and recommended that the appellant withdraw his appeal and start the informal settlement. Ms. Cusack agreed that if the process did not resolve the dispute, the appellant would then have the opportunity to re-file his appeal. Ms. Cusack asked if the request for informal settlement with the Department of Transportation could be filed by Friday, May 7, 2010. The appellant agreed.

The Board advised the parties that the appeal would be treated as withdrawn without prejudice. The appellant will be permitted to file a request for informal settlement with the Department of Transportation by Friday, May 7, 2010. If the appeal is not resolved through the informal settlement process described by PART Per 205 of the Rules of the Division of Personnel, the appellant will still have the opportunity to file a timely appeal with the Board.

For the Personnel Appeals Board

A handwritten signature in black ink, appearing to read "Patrick Wood", written over a horizontal line.

Patrick Wood, Chairman

cc: Karen Hutchins, Director of Personnel  
Joseph Bailey  
Assistant Attorney General Lynmarie Cusack  
Frances Buczynski, HR Administrator, NH Department of Transportation