

State of New Hampshire



PERSONNEL APPEALS BOARD

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

**Appeal of Lonnie Dickerson
Probationary Termination
Docket #94-T-25
Department of Resources and Economic Development**

December 27, 1994

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) upon its own motion, under the authority of RSA 541-A:16, and Per-A 202.05 of the Rules of the Personnel Appeals Board, scheduled a mandatory prehearing conference in the above-titled appeal on Wednesday, October 19, 1994. Dawn M. Wivell, Director of the Office of International Commerce, and Kenneth Plourde, Business Administrator, appeared on behalf of the Department of Resources and Economic Development. Ms. Dickerson, who appeared pro se, appeared pro se, was appealing her February 11, 1994 termination from employment with the Office of International Commerce for allegedly failing to meet the work standard prior to completion of her probationary period. Ms. Dickerson's appeal, which was dated February 28, 1994, was received by the Board by mail on the afternoon of March 1, 1994.

At the prehearing conference, Mr. Plourde verbally made a motion to dismiss the appeal as untimely. Mr. Plourde said that the appellant had been given her notice of termination in hand on February 11, 1994, that the notice of termination apprised the appellant of her right to appeal the termination, and specifically advised the appellant that an appeal must be filed within fifteen days. Mr. Plourde argued that the appellant failed to timely file an appeal and, in fact, had never provided notice to the department when her appeal was finally submitted. Mr. Plourde asserted that the Department still did not have a copy of the appeal letter. Mr. Plourde stated that the Department was prepared to defend its decision to terminate Ms. Dickerson's employment for failure to meet the work standard, but argued that Ms. Dickerson's appeal should simply be dismissed as untimely.

Ms. Dickerson stated in her notice of appeal that two days after she received her letter of termination from employment, she had to leave the country to take care of a sick parent. She further asserted that when she returned home, she had called the "personnel office" about filing an appeal. She said that someone told her that she would have to wait to talk to the Board's secretary before filing her appeal. She said she was unable to speak with the Board's secretary until February 28, 1994, and therefore asked that the Board accept her late-filed appeal.

The Board agreed to allow the Department of Resources and Economic Development to reduce its motion to writing and submit it for the Board's consideration. The Board required that a

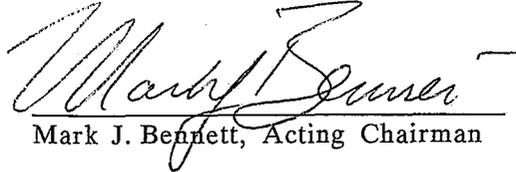
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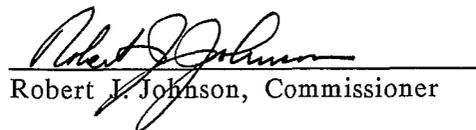
copy of the Motion be forwarded to Ms. Dickerson, and that she be allowed ten days in which to file a written objection. To date, the Board has received no response from Ms. Dickerson.

After careful consideration, in light of Ms. Dickerson's probationary status, her failure to timely file her appeal, and her failure to respond to the agency's motion to dismiss, the Board voted unanimously to grant the State's Motion to Dismiss.

Ms. Dickerson's appeal is dismissed.

THE PERSONNEL APPEALS BOARD


Mark J. Bennett, Acting Chairman


Robert J. Johnson, Commissioner


Lisa A. Rule, Commissioner

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