

State of New Hampshire



PERSONNEL APPEALS BOARD

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

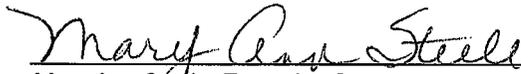
John Foster
Docket #2009-T-015
NH Department of Corrections

October 29, 2009

On June 25, 2009, the New Hampshire Personnel Appeals Board (Wood, Johnson and Casey) issued an order for Mr. Foster to submit a written response to the Board and show good cause for his failure to appear as scheduled for a mandatory prehearing conference that the Board convened on June 17, 2009, regarding his termination from employment with the NH Department of Corrections. In that order, the Board advised the appellant that unless his response was received by the Board on or before June 29, 2009, his appeal would be dismissed for lack of prosecution.

To date, the Board has received no response from Mr. Foster. As set forth in its earlier order, the Board has closed the file and has marked the appeal DISMISSED for lack of prosecution.

For the Personnel Appeals Board



Mary Ann Steele, Executive Secretary

cc: Karen Hutchins, Director of Personnel, 25 Capitol St., Concord, NH 03301
John Foster, 256 N. Dorchester Rd, Wentworth, NH 03282-3714
Attorney Walter Pazdon, Jr., Department of Justice, 33 Capital St, Concord, NH 03301-6397

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John Foster, Docket #2009-T-015
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June 25, 2009

The New Hampshire Personnel Appeals Board (Wood, Johnson and Casey) met in public session on Wednesday, June 17, 2009, under the authority of RSA 541-A:31 and Chapters Per-A 100-200 of the NH Code of Administrative Rules, to conduct a mandatory prehearing conference in the above-titled appeal. Naomi N. Butterfield, Assistant Attorney General, appeared on behalf of the Department of Corrections, Neither Mr. Foster, whose appeal was filed pro se, nor any person acting on his behalf appeared for the prehearing conference as scheduled, Neither Mr. Foster nor any person representing Mr. Foster contacted the Board prior to the mandatory prehearing conference to advise the Board that Mr. Foster would be unable to attend the meeting as scheduled.

In its May 20, 2009 scheduling order, the parties were advised as follows:

Motions for postponement or special scheduling will only be considered for exceptional circumstances and must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of this notice to be considered. Except in the event of a bona fide emergency, untimely requests will be denied. Further, except for good cause shown, failure of an appellant to appear as scheduled may result in dismissal of the appeal for lack of prosecution.

In light of Mr. Foster's failure to appear as scheduled, or to request postponement or special scheduling, the Board voted to allow Mr. Foster 10 calendar days from the date of this notice in which to submit a written response explaining his failure to appear as scheduled. A copy of that response shall be provided simultaneously to the agency's representative of record, Assistant Attorney General Naomi Butterfield, at the address below.

If Mr. Foster fails to show good cause for his failure to appear, his appeal will be dismissed for lack of prosecution, Further, if Mr. Foster fails to provide a written response within by the date specified, his appeal will be dismissed and his file closed effective June 29, 2009.

For the Personnel Appeals Board


Patrick H. Wood, Chair
25 June 2009

cc: Karen Hutchins, Director of Personnel, 25 Capitol St., Concord, NH 03301
John Foster, 256 N. Dorchester Rd, Wentworth, NH 03282-3714
Naomi N. Butterfield, Asst. Attorney General, NH Office of the Attorney General, 33 Capital St, Concord, NH 03301-6397