

# State of New Hampshire



## **PERSONNEL APPEALS BOARD**

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

**Jason Havener**

**Docket #02-T-002**

**New Hampshire Hospital**

October 12, 2001

The New Hampshire Personnel Appeals Board (Wood, Bonafide and Urban) met on Wednesday, October 10, 2001, under the authority of RSA 21-I:58 and Chapters Per-A 100-200 of the NHCAR (Rules of the Personnel Appeals Board) to hear the appeal of Jason Havener concerning his July 27, 2001 termination from employment as a Mental Health Worker at New Hampshire Hospital. Marie Lang, Human Resources Administrator, appeared on behalf of the State. Neither Mr. Havener, nor any person acting on his behalf, appeared for the hearing.

New Hampshire Hospital had charged Mr. Havener with failure to meet the work standard as established by the NH Hospital Boundary Policy by maintaining a social relationship with a patient after that patient was discharged. In his appeal, and during the pre-hearing conference convened by the Board on September 19, 2001, Mr. Havener argued that he had known the patient prior to her admission, that he had advised his supervisors of that fact, and that he had done what they instructed him to do, having no contact with the patient while she was at New Hampshire Hospital.

Ms. Lang informed the Board that immediately after the September 19, 2001 pre-hearing conference, the parties met to discuss the issues raised by the appellant about the boundary policy. Ms. Lang indicated that at a subsequent meeting, the Hospital offered to reinstate the appellant, notifying him by letter dated September 29, 2001 that the Hospital had decided to withdraw the letter of termination. On October 5, 2001, New Hampshire Hospital sent a follow-

up letter outlining the conditions of the reinstatement, including the requirement that the appellant contact the Appeals Board to withdraw his appeal. Ms. Lang said that Mr. Havener had accepted the terms of reinstatement, and that the Hospital fully expected Mr. Havener to report for work on October 19, 2001 per the conditions in the notice of reinstatement. To date, however, Mr. Havener has not contacted the Board to withdraw his appeal.

In light of the Hospital's withdrawal of the notice of termination and its decision to reinstate the appellant, the Board, on its own motion, voted to allow the appellant ten days in which to file notice that his appeal has been withdrawn or to show cause why his pending appeal should not be dismissed immediately.

FOR THE PERSONNEL APPEALS BOARD



Mary Ann Steele, Executive Secretary

cc: Thomas Maiming, Director of Personnel, 25 Capitol St., Concord, NH 03301  
Marie Lang, Human Resources Administrator, NH Hospital, 36 Clinton St., Concord, NH  
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