

State of New Hampshire



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

Appeal of Bruce Hicks
Docket #2007-T-024
Department of Transportation

August 2, 2007

A quorum of the New Hampshire Personnel Appeals Board (Casey and Johnson) met in public session on Wednesday, July 25, 2007, under the authority of RSA 21-I:58, I and Chapters Per-A 100-200 of the NH Code of Administrative Rules, for a mandatory prehearing conference in the above-titled appeal. Assistant Attorney General Edith Pacillo appeared for the Department of Transportation. Neither Mr. Hicks, whose appeal was filed pro se, nor any person representing Mr. Hicks appeared as scheduled.

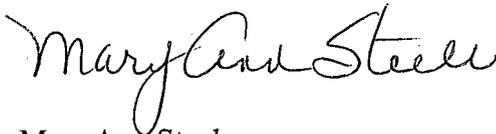
The Board's Executive Secretary advised the Board that she had received a telephone call from Mr. Hicks on Monday afternoon, July 23rd, in which he indicated that he had decided not to pursue the appeal. Ms. Steele stated that she informed Mr. Hicks that he either needed to file a motion to withdraw his appeal, or a request to postpone or continue the prehearing conference, otherwise, the Board could decide to dismiss the appeal for lack of prosecution. The Board asked if the Department of Transportation had received any notice from Mr. Hicks. Ms. Pacillo said she was not aware of any contact between Mr. Hicks and the Department.

After considering the matter, the Board decided to allow Mr. Hicks ten days in which to file a written response and show cause why his appeal should not be dismissed for lack of prosecution. A response to this order must be submitted to the Board no later than Monday, August 13, 2007, and a separate copy of that response must be provided

simultaneously to the Department's representative of record, Assistant Attorney General Lynmarie Cusack, Department of Justice, 33 Capitol St., Concord, NH 03301. Upon receipt of a response from Mr. Hicks, the State will be allowed five days in which to file an answer or objection.

Should Mr. Hicks fail to respond, the Board will close the file and consider the appeal dismissed for lack of prosecution effective Monday, August 13, 2007.

FOR THE PERSONNEL APPEALS BOARD



Mary Ann Steele

Executive Secretary

cc: Karen Hutchins, Director of Personnel, 25 Capitol St., Concord, NH 03301
Bruce Hicks, 512 Mountain Rd. Lyndeborough, NH 03028
Frances Buczynski, HR Administrator, Dept. of Transportation, Human
Resources Bureau, 7 Hazen Dr., Concord, NH 03301
Lynmarie Cusack, Assistant Attorney General, Department of Justice, 33 Capitol
St., Concord, NH 03301