

March 1, 1979

Thomas F. Hardiman  
Senior Field Representative  
Stata Employees' Assoc. of N. H.  
163 Manchester Street  
Concord, N. H.

Dear Mr. Hardiman:

With reference to the Mr. Joseph Oliver discharge appeal as presented by Mr. Cary H. McKible, the Personnel Commission's decision and findings are as follows:

The Commission finds that on February 3, 1979, appellant Joseph Oliver struck a New Hampshire Hospital patient in the neck or head area while the patient was partially restrained in a chair that was bolted to the floor. At the time of the striking, the patient's left and right wrists were bound to the arms of the chair and his right ankle and foot were bound to the left leg of the chair. Mental Health Worker Robinson had control of and was attempting to strap the patient's left ankle to the leg of the chair.

The Commission finds that it was not necessary for appellant: to strike the patient either in self-defense or in defense of his co-workers. The action of the appointing authority is sustained.

FOR THE COMMISSION

ROY Y. LANG  
Secretary

RYL:pf

cc: Gary H. McKible  
Virginia A. Vogel

March 15, 1979

Gary H. McKible  
Legal Intern  
State Employees' Assoc. of N. H.  
163 Manchester Street  
Concord, N. H. 03301

Dear Mr. McKible:

The New Hampshire Personnel Commission, having considered your **request** of March 6, 1979, regarding a re-hearing in the **Mr. Joseph Oliver** matter, has voted that **it** be denied.

Very truly yours,

ROY Y. LANG  
Secretary