

State of New Hampshire

PERSONNEL APPEALS BOARD

CHAIRMAN

Loretta Platt



EXECUTIVE SECRETARY
Mary Ann Steele

PERSONNEL APPEALS BOARD
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APPEAL OF RICHARD RAYDER

June 8, 1988

On Tuesday, April 12, 1988, the Personnel Appeals Board, Commissioners Platt and Cushman sitting, met to hear the appeal of Richard Rayder, a former employee of the Department of Health and Human Services. SEA General Counsel Michael Reynolds had filed a notice of appeal on Mr. Rayder's behalf by letter addressed to the Board and dated November 24, 1987. The appellant had been dismissed for alleged unexcused absence from work.

In an order of notice dated January 27, 1988, the Appeals Board notified the parties that a hearing had been scheduled in this appeal on February 23, 1988 at 3:00 p.m. On February 10, 1988, the State Employees' Association sent the Board notification that it had withdrawn its representation of the appellant.

On February 19, 1988, the Appeals Board's secretary attempted to contact the parties by telephone to inform them that the termination hearing would be postponed. Mr. Rayder could not be reached by telephone at the number listed in his personnel file as his most recent home phone, nor was there anyone at that number to take a message. The Division of Human Services was notified through its representative Attorney Monica Ciolfi, who filed an appearance with the Board on February 16, 1988. Mr. Rayder did not appear on February 23, 1988, nor did he contact the Board.

On March 21, 1988, notice was sent to the parties that a hearing had been scheduled in this matter on April 12, 1988, at 9:00 a.m. The appellant's notice was mailed to the home address listed in his personnel records. Attempts to reach the appellant by telephone at his last known home address were unsuccessful. Additionally, the appellant could not be reached at his last known place of employment, the Jackson Ski Touring Center, although the Board's secretary was informed when she called the Touring Center that Mr. Rayder was still employed there.

A Motion to Dismiss was filed by the Department of Health and Human Services on March 29, 1988 by Attorney Ciolfi. The Board deferred discussion on the Motion until 9:30 a.m. on April 12, 1988. At 9:30 a.m., the Board's executive secretary checked the hallways, the other hearing room, and asked for any phone messages which may have been taken for the Board in the Division of Personnel. The Board received no contact from the

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appellant. None of the notices sent to the appellant by the Board were returned.

Given the appellant's failure to contact the Board at any time subsequent to his counsel's withdrawal to provide a means by which to contact him or to respond to requests that he contact the Board and his failure to appear for the April 12, 1988 hearing, as well as his failure to provide the opposing party with a list of exhibits and witnesses prior to the hearing as required by the Board's rules, the Board voted unanimously to dismiss the appeal.

FOR THE PERSONNEL APPEALS BOARD



MARY ANN STEELE

Executive Secretary

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cc: Richard Rayder

Monica Ciolfi, Attorney
Office of the Attorney General

Virginia A. Vogel
Director of Personnel