

# State of New Hampshire

PERSONNEL APPEALS BOARD  
Edward J. Haseltine, Chairman  
Gerald Allard  
Loretta Platt



EXECUTIVE SECRETARY  
Mary Ann Steele

PERSONNEL APPEALS BOARD  
State House Annex  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

July 18, 1986

Stephen R. Goldman, Esq.  
46 North State Street  
P.O. Box 921  
Concord, New Hampshire 03301

1986-T-000

re: Martha Schmitt

Dear Attorney Goldman:

By letter dated June 11, 1986, the Personnel Appeals Board requested that New Hampshire Hospital Human Resources Director Virginia Vogel provide the Appeals Board with documentation supporting her contention that Ms. Schmitt, a probationary employee of New Hampshire Hospital, was unable to return to work and, therefore, liable for termination for inability to perform her assigned tasks.

The Appeals Board received from Ms. Vogel copies of medical reports from James G. Wepsic, M.D. dated February 6, 1986 and May 7, 1986 (copies attached). The February 6, 1986 report states, "The patient is totally disabled for any form of work." The May 7, 1986 report states, "The patient remains totally disabled for any form of work."

Based on the above referenced reports, the Board concludes that the decision of New Hampshire Hospital to terminate Ms. Schmitt's employment due to her inability to perform her work was neither arbitrary, illegal, capricious, nor made in bad faith.

Your request for a hearing on Ms. Schmitt's behalf is, therefore, denied.

Very truly yours,

FOR THE PERSONNEL APPEALS BOARD

A handwritten signature in cursive script that reads "Mary Ann Steele".

MARY ANN STEELE  
Executive Secretary

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cc: Virginia Vogel  
Director of Human Resources  
New Hampshire Hospital