

State of New Hampshire



PERSONNEL APPEALS BOARD

25 Capitol Street
Concord, New Hampshire 03301
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Appeal of Bryant Steele

Docket #2004-T-016

Department of Transportation

February 10, 2005

The New Hampshire Personnel Appeals Board (Bonafide and Johnson) met on Wednesday, December 15, 2004, under the authority of RSA 21-1:54, to hear the appeal of Bryant Steele, a former employee of the Department of Transportation who was appealing his March 26, 2004 termination from employment as a Civil Engineer II for failing to meet required work standards prior to completion of his initial probationary period. SEA General Counsel Michael Reynolds appeared on behalf of the appellant, and Assistant Attorney General Margaret Fulton appeared on behalf of the State.

At a prehearing conference convened by the Board on August 25, 2004, the parties had established December 15 and December 16, 2004, as the dates they would appear to present their evidence on the merits of the appeal. On December 9, 2004, the parties submitted to the Board a Joint Motion for Clarification with Respect to Special Scheduling¹, advising the Board that the appellant had failed to communicate with either of the parties' representatives prior to the appeal, and that neither was certain that the appellant would appear for the scheduled hearing. In light of that concern, they requested that the Board dismiss the appeal with prejudice if the appellant failed to appear at the hearing scheduled for December 15, 2004. In the alternative, if the appellant did appear as scheduled, the parties asked the Board to allow the Department of Transportation to present its evidence on offers of proof, reserving the right to present witnesses at a later date.

¹ The parties filed a Corrected Joint Motion for Clarification with Respect to Special Scheduling on December 14, 2004.

The appellant failed to appear for the hearing as scheduled. The appellant did not contact the Board at any time prior to the hearing to indicate that he would be unable to appear. Attorney Reynolds and Assistant Attorney General Fulton confirmed that the appellant had not communicated with either of them prior to the hearing.

Having carefully considered the parties Joint Motion in light of the appellant's failure to appear for the scheduled hearing, the Board voted to dismiss the appeal with prejudice.

The Personnel Appeals Board


Philip R. Bonafide, Vice-Chair


Robert J. Johnson, Commissioner

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