

State of New Hampshire



PERSONNEL APPEALS BOARD

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

APPEAL OF STEPHEN WIGGINS

Docket #89-T-22

March 14, 1990

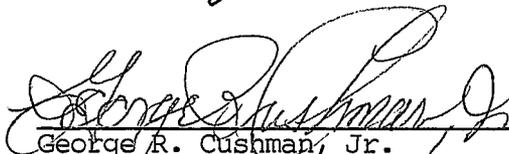
On January 11, 1990, the New Hampshire Personnel Appeals Board issued an Order for More Specific Facts in the above-noted appeal of Mr. Wiggins' alleged forced resignation from his employment at Laconia Developmental Services. That order specifically notified the parties that failure to provide a written response to the order of the Board prior to January 26, 1990, would result in the immediate dismissal of the appeal.

Mr. Wiggins never responded to the order.

Therefore, pursuant to the conditions established in its order of January 11, 1990, the Board voted to dismiss the appeal with prejudice.

THE PERSONNEL APPEALS BOARD


Patrick J. McNicholas, Chairman


George R. Cushman, Jr.


Robert J. Johnson

cc: Lisa Currier, Human Resource Coordinator
Laconia Developmental Services

Stephen A. Wiggins
Star Route, Box 99
Alton, New Hampshire 03809

Virginia A. Vogel, Director of Personnel

David S. Peck, Assistant Attorney General

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APPEAL OF STEPHEN WIGGINS
Laconia Developmental Services
Docket #89-T-22

ORDER FOR MORE SPECIFIC FACTS

January 11, 1990

At its meeting of January 10, 1990, the Personnel Appeals Board (McNicholas, Cushman and Johnson) reviewed the appeal of Stephen Wiggins, a former employee of Laconia Developmental Services. Appellant, in his letter of appeal dated August 16, 1989, alleges that he was falsely accused of abusing a client and was discharged from employment on July 31, 1989. He further alleges that on August 1, 1989, he was given the opportunity to resign and did so on August 2, 1989. He argues that his resignation was given under duress.

It appears that no copy of the appeal was forwarded to the agency as required by Per-A 206.02(c).

The Personnel Appeals Board, on September 29, 1989, notified Appellant and Laconia Developmental Services that the appeal of Stephen Wiggins had been received by the Board on August 21, 1989, and had been assigned Docket #89-T-22.

By letter dated October 11, 1989, received by the Board October 14, 1989, Laconia Developmental Services submitted a Motion to Dismiss, arguing that Mr. Wiggins had voluntarily resigned his employment with Laconia Developmental Services, and had submitted a signed resignation on August 2, 1989. Attached to that Motion were the following documents:

1. August 2, 1989 notice of resignation signed by Stephen A. Wiggins
2. October 10, 1989 memo to Lisa Carrier from Janice DeAngelis
Subject: Stephen Wiggins Resignation
3. October 12, 1989 memo to Lisa Carrier from Thomas R. Menard
Subject: File #89-11, Concerning Mr. Stephen Wiggins
4. Complaint Investigator's Final Report - File No. 89-11 (and attached nursing report)

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The motion and attachments appear to have been forwarded by Laconia Developmental Services to the appellant pursuant to Per-A 206.02 (c). Appellant filed no objection to the Motion to Dismiss, and provided no response to the materials submitted to the Board by Laconia Developmental Services.

Upon its own motion, pursuant to the provisions of Per-A 202.02, the Board voted to order the appellant to provide more specific facts which he believes will support his allegation that his resignation was given under duress, keeping in mind that "duress" is defined as "forcible restraint or restriction; compulsion by threat; unlawful constraint".

Appellant shall respond in writing, within fifteen calendar days of the date of this order, and shall provide a copy of such response to Laconia Developmental Services.

Failure to provide a written response to the order of this Board prior to January 26, 1990, will result in the immediate dismissal of this appeal.

THE PERSONNEL APPEALS BOARD

Patrick J. McNicholas, Chairman
George R. Cushman, Jr., Member
Robert J. Johnson, Member

FOR THE PERSONNEL APPEALS BOARD



Mary Ann Steele
Executive Secretary

cc: Lisa Currier, Human Resource Coordinator
Laconia Developmental Services

Stephen A. Wiggins