

# State of New Hampshire



PERSONNEL APPEALS BOARD  
25 Capitol Street  
Concord, New Hampshire 03301  
Telephone (603) 271-3261

Appeal of Rodney Martinez

Docket #2004-D-007

Department of Health and Human Services/Division of Juvenile Justice Services

February 10, 2005

The New Hampshire Personnel Appeals Board (Bonafide and Johnson) met on Wednesday, December 15, 2004, under the authority of RSA 541-A:31 and Per-A 206.03 of the Code of Administrative Rules, for a second mandatory pre-hearing conference in the appeal of Rodney Martinez, a former employee of the Division of Juvenile Justice Services, Mr. Martinez, a Juvenile Probation and Parole Officer, was appealing the Department's January 27, 2004 decision to suspend him indefinitely without pay following his arrest and arraignment on charges of aggravated felonious sexual assault of a child.

The Board convened a first prehearing conference on Wednesday, October 27, 2004. Mr. Martinez appeared pro se. Attorney John Martin appeared on behalf of the State. The appellant asked the Board to delay any hearing until the criminal proceedings had been concluded. The parties then agreed to convene a second mandatory prehearing conference at 9:00 a.m. on December 15, 2004.

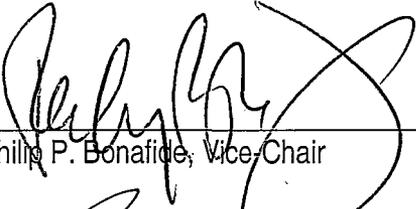
At the meeting of December 15, 2004, Attorney John Martin appeared on behalf of the State, Neither Mr. Martinez, whose appeal was filed pro se, nor anyone representing Mr. Martinez appeared as scheduled.

The Chairman noted for the record that the Board had not received any request to continue or reschedule the prehearing conference, or any notice from the appellant that he would be unable to appear or have a representative appear on his behalf. The Chairman also noted for the record that

he understood Mr. Martinez had been convicted in Belknap County Superior Court of aggravated felonious sexual assault and had been incarcerated.

Upon its own motion, in accordance with Per-A 207.02 (a) of the NH Code of Administrative Rules, the Board voted to dismiss the appeal for lack of prosecution. The Board noted for the record that a copy of the decision would be mailed to the appellant's last known address, and that, for good cause shown, the decision would be subject to a timely motion for reconsideration or rehearing as described by Per-A 208.03 of the NH Code of Administrative Rules.

The Personnel Appeals Board



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Phillip P. Bonafide, Vice-Chair



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Robert J. Johnson, Commissioner

cc: Karen A. Levchuk, Director of Personnel, 25 Capitol St., Concord, NH 03301  
Attorney John Martin, Office of the Commissioner, Department of Health and Human  
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