

State of New Hampshire

PERSONNEL APPEALS BOARD
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Mary Ann Steele

PERSONNEL APPEALS BOARD
State House Annex
Concord, New Hampshire 03301
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87-T-111

APPEAL OF DONNA S. BOYDEN v. D.O.T.

November 10, 1987

By letter dated July 9, 1987, the State Employees' Association, through its General Counsel, requested a hearing on behalf of Donna S. Boyden, a former employee of the Department of Transportation, to appeal the Department's refusal to grant Ms. Boyden a leave of absence without pay.

In support of that request, the appellant argued that she was neither, "...alleging bad faith or intentionally wrongful conduct on the part of the employer. She simply believe[d] it would be ore reasonable and equitable, given her competent and dedicated service as a state employee, that she be allowed an extended leave of absence without pay." The rationale given for this argument was that the appellant was injured in a work-related accident and hoped "to be able to return to employment soon."

Per 306.03 (a) (5) of the "Rules of the Department of Personnel" lists "refusal of an appointing authority to grant leave without pay" as an invalid ground for appeal. Additionally, Per-A 201.02 (b) of the "Rules of the Personnel Appeals Board states, "The jurisdiction of the Board shall not extend to appeals by any person of...the refusal of an appointing authority to grant a leave of absence without pay."

Based upon the foregoing, the Board voted unanimously to deny the request for a hearing.

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: Michael C. Reynolds, Esq.
State Employees' Association

William L. Fletcher
Department of Transportation