

# State of New Hampshire



## PERSONNEL APPEALS BOARD

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

### APPEAL OF JEFFREY HYMAN Docket #96-T-9

96-T-909

### Division of Public Health Services Department of Health and Human Services

February 28, 1996

The New Hampshire Personnel Appeals Board (McNicholas, Bennett and McGinley) met Wednesday, February 14, 1996, under the authority of RSA 21-I:58 and RSA 541-A, for a scheduled, mandatory prehearing conference in the above-captioned appeal. Sandra Platt, Human Resources Administrator for the Department of Health and Human Services, appeared on behalf of the State. Neither the appellant nor any person representing the appellant appeared for the scheduled prehearing conference.

Reviewing the case file, the Board found that the appellant had not advised the Board that he would be unable to attend the scheduled prehearing conference, and had not requested a postponement of the scheduled meeting. The Board's records indicate that a notice of the mandatory prehearing conference was mailed to the appellant's last known address on January 30, 1996. Inasmuch as the notice was not returned as undeliverable, the Board concluded that the notice had, in fact, been received.

Ms. Platt moved to dismiss the appeal on the grounds that Mr. Hyman was not discharged, but had resigned from his position at the Division of Public Health Services, and therefore was not entitled to appeal under the Rules of the Division of Personnel. The Board declined to rule on the substantive motion, but did accept a Motion to Dismiss based on the appellant's failure to appear at the scheduled prehearing conference. Ms. Platt's Motion to Dismiss on those grounds was granted, and the appeal was dismissed without prejudice. Mr. Hyman may request reconsideration of that decision if he can demonstrate good cause why he neither appeared as scheduled, nor notified the Board that he would be unable to attend the prehearing conference.

FOR THE PERSONNEL APPEALS BOARD

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

MARY ANN STEELE  
Executive Secretary

cc: Virginia A. Lamberton, Director of Personnel  
Sandra Platt, Human Resources Administrator, Health and Human Services  
Jeffrey Hyman, 318 Route 101, Amherst, NH 03031