

# State of New Hampshire



## PERSONNEL APPEALS BOARD

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

### *APPEAL OF VANESSA KORTZE*

*DOCKET #98-T-5*

*Department of Safety, Marine Patrol*

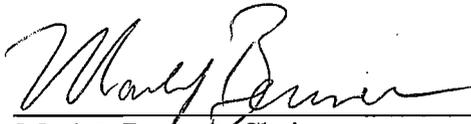
*Monday, January 12, 1998*

The New Hampshire Personnel Appeals Board (Bennett, Johnson and Rule) met on Wednesday, October 15, 1997, under the authority of RSA 21-I:58, for a scheduled prehearing conference in the appeal of Vanessa Kortze, a former temporary, part-time employee of the Department of Safety, Division of Marine Patrol. Attorney Sheri J. Kelloway-Martin appeared on behalf of the Department of Safety. Ms. Kortze appeared on her own behalf.

The parties were permitted to offer oral argument on the State's October 3, 1997, Motion to Dismiss for Lack of Jurisdiction. Ms. Kelloway-Martin argued that RSA 21-I:58 provides appeal rights for permanent employees only, and that as a temporary, part-time employee, Ms. Kortze had no right to appeal under the statute. She further argued that even if the Board were to find that it had jurisdiction to hear the appeal, and if Ms. Kortze could prove that the decision to dismiss her was arbitrary, illegal, capricious, or made in bad faith, any remedy which the Board could order must be limited, as the appellant's assignment prior to termination was a temporary, part-time assignment, and there was no permanent position to which the appellant could be reinstated. The appellant objected to having the appeal dismissed, but declined to offer oral argument on the substance of the motion.

'Having considered the Motion and supporting documentation, the Board unanimously voted to dismiss Ms. Kortze's appeal as being outside the Board's jurisdiction.

THE PERSONNEL APPEALS BOARD



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Mark J. Bennett, Chairman



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Robert J. Johnson, Commissioner



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Lisa A. Rule, Commissioner

cc: Virginia A. Lamberton, Director of Personnel, 25 Capitol St., Concord, NH 03301  
Sheri J. Kelloway-Martin, Dept. of Safety, Litigation Office, Hazen Dr., Concord,  
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