

State of New Hampshire



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

APPEAL OF DONALD SWEET

DOCKET #01-T-7

Department of Health and Human Services

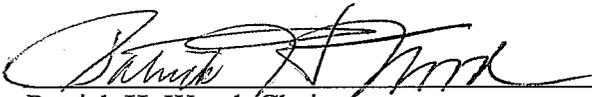
January 10, 2001

The New Hampshire Personnel Appeals Board (Wood, Rule and Johnson) met on Wednesday, January 3, 2001, under the authority of RSA 541-A and Per-A 100-200 of the Code of Administrative Rules, for a mandatory prehearing conference in the appeal of Donald Sweet, a former probationary employee of the Department of Health and Human Services. Mr. Sweet, whose appeal was filed *pro se*, is appealing his October 31, 2000 termination from employment prior to completion of his initial probationary period. Attorney John Martin of the Department of Health and Human Service's Office of Program Support and Human Resources Administrator Karen Hutchins appeared on behalf of the Department of Health and Human Services. Neither Mr. Sweet, nor any person representing Mr. Sweet, appeared for the scheduled prehearing conference.

In its notice dated December 13, 2000, the New Hampshire Personnel Appeals Board instructed the parties to appear on January 3, 2001 for a MANDATORY prehearing conference. The Board advised the parties that motions for postponement or special scheduling would only be considered for exceptional circumstances and that they must be made in writing to the Personnel Appeals Board within ten (10) calendar days of the date of that notice to be considered. The Board also informed the parties that, except for good cause shown, failure of an appellant to appear as scheduled could result in dismissal of the appeal for lack of prosecution.

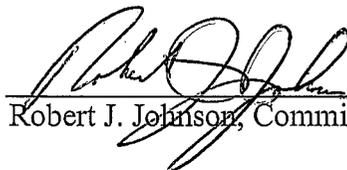
In light of Mr. Sweet's failure to appear as scheduled, to make a timely request for postponement, or to provide notice of circumstances that would have prevented him from appearing as scheduled, the Board voted to dismiss the appeal. However, the Board also voted to allow the appellant ten calendar days from the date of this order in which to show good cause why his appeal should not be dismissed. The appellant's written response shall be filed with the Board in accordance with Per-A 204.02 of the Code of Administrative Rules in order to be considered. Good cause, as set forth in Per-A 207.03 (c) of the Code of Administrative Rules, "shall include accident, illness, or circumstances beyond the control of the party that prevents that party's appearance as scheduled." Otherwise, the Board's order dismissing the appeal shall become effective at the close of business on January 22, 2001.

THE NEW HAMPSHIRE PERSONNEL APPEALS BOARD



Patrick H. Wood, Chairman

Lisa A. Rule, Commissioner



Robert J. Johnson, Commissioner

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Donald Sweet, 92 Fisherville Road (Unit #11), Coiicord, NH 03303-2058
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Karen Hutchins, Human Resources Administrator, Department of Health and Human
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