

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

LESSIE MAE BENDER

VS.

MISSISSIPPI DEPARTMENT OF MENTAL
HEALTH

FILED APPELLANT

MAY 24 2013 CASE NO: 13-009

EMPLOYEE APPEALS BOARD

APPELLEE

FULL BOARD ORDER

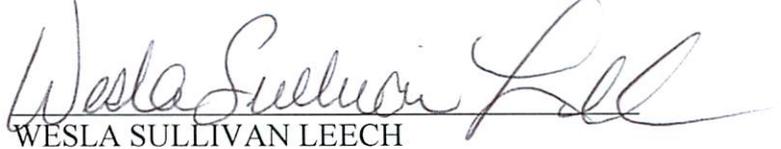
THIS CAUSE having come on to be heard on appeal by Lessie Mae Bender ("Bender") of the Order of the Hearing Officer dated March 19, 2013, wherein the Motion to Dismiss filed by the Mississippi Department of Mental Health ("MDMH") was sustained. Following a review of the pleadings, the documentary evidence, and the recording of the hearing, the Employee Appeals Board, en banc, does find that the Order of the Hearing Officer was properly issued in accordance with the rules of the Mississippi State Personnel Board, is correct and should be upheld.

The MDMH moved to dismiss this action for two reasons: First, that the Appeal was untimely filed; and Second, that this tribunal lacks jurisdiction to hear the case as there is no "adverse employment action" against Bender. The Hearing Officer properly found that the case was timely filed and that no adverse employment action was taken against Bender. However, the Hearing Officer did note that actions taken "by the MDMH, if true, could constitute harassment". In review of the record, the MEAB, en banc, does not find the actions of the MDMH to be harassment.

Based upon the foregoing, the Order of the Hearing Officer dated March 19, 2013, is hereby SUSTAINED and this Appeal is hereby DISMISSED, WITH PREJUDICE.

SO ORDERED THIS THE 22nd DAY OF MAY, 2013.

MISSISSIPPI EMPLOYEE APPEALS BOARD


WESLA SULLIVAN LEECH