

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

KIM BEATY

FILED

APPELLANT

VS.

SEP 24 2013

NO.13-051

EMPLOYEE APPEALS BOARD

MISSISSIPPI DEPARTMENT OF
MENTAL HEALTH

APPELLEE

ORDER

Appellee, Mississippi Department of Mental Health, filed a Motion to Dismiss in this matter. The Hearing Officer, Ingrid Dave Williams, having reviewed the documents filed in this matter finds that the motion is well taken.

The record shows that Ms. Beaty was terminated from her position as Division Director II at the Rosedale/Glendale Group Home with the North Mississippi Regional Center, by letter dated July 31, 2013. The termination was effective on July 31, 2013. The Termination Notice was delivered to Beaty's address of record on August 5, 2013, as noted by the signed U.S. Postal Service certified return receipt. Beaty filed an appeal of her dismissal with the Mississippi Employee Appeals Board on August 26, 2013.

Rule 5.B. of the Administrative Rules of the Employee Appeals Board states that "[A] Notice of Appeal must be filed within fifteen days after the date a person receives written notice of the final decision of an alleged grievable action or within fifteen days of the first attempted delivery date by certified mail, return receipt requested, whichever occurs first." Pursuant to

that rule, Beaty was required to file her Notice of Appeal by August 20, 2013. Beaty did not file the appeal until August 26, 2013, some twenty-one days after she was notified of the termination by certified mail. Accordingly, the Mississippi Employee Appeals board lacks jurisdiction to hear Beaty's appeal.

For the foregoing reasons this appeal is dismissed.

SO ORDERED this the 24th day of September, 2013.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: Ingrid Dave Williams
INGRID DAVE WILLIAMS
Chief Hearing Officer