

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

ANDRE FUNCHES

**FILED**

APPELLANT

VS.

MAR 05 2014

NO.13-031

MISSISSIPPI DEVELOPMENT  
AUTHORITY

EMPLOYEE APPEALS BOARD

APPELLEE

ORDER

Appellee, Mississippi Development Authority ("MDA"), filed a Motion to Deny Appellant's, Andre Funches', Request for Review by the Mississippi Employee Appeals Board ("MEAB") Full Board in the instant matter. The Hearing Officer, having considered the motion, finds that it is well taken and grants the Motion and denies the Request for Review.

The record shows that the Hearing Officer's Order in this matter was filed on December 3, 2013. Funches filed his Request for Review by the MEAB Full Board on February 9, 2014. On February 12, 2014, MDA filed a Motion to Dismiss Funches' Request on the grounds that Funches had failed to timely file the Request. Funches filed a Response to MDA's Motion on February 13, 2014. In that Response, Funches claimed that he had not received a copy of the February 9, 2014 Order until after February 6, 2014. A telephonic Hearing on the Motion to Dismiss was scheduled for February 20, 2014. Funches failed to appear for that hearing. The MEAB Administrative Office contacted Funches and rescheduled the hearing for March 4, 2014. Funches again failed to appear.

Rule XXV. of the Administrative Rules of the Employee Appeals Board

states as follows:

- A. Any party aggrieved by the final written decision and order of a presiding hearing officer entered on the hearing of an appeal may file a written Request for Review by the full EAB.
- B. The request must be filed within fifteen days after the date the final order is filed. . .

The MEAB twice attempted to hear Funches' objection to the MDA's Motion to Dismiss, however Funches failed to appear at both hearings. Funches clearly did not file his Request for Review in a timely manner. Accordingly, the MEAB grants MDA's motion and denies Funches' Request for Review by the MEAB Full Board because Funches did not timely file his request.

For the foregoing reasons this Request for Review is denied.

SO ORDERED this the 4<sup>th</sup> day of March, 2014.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY:   
INGRID DAVE WILLIAMS  
Chief Hearing Officer