

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

MELANIE YOUNG

**FILED**

APPELLANT

VS.

AUG 02 2013

NO.13-034

MISSISSIPPI DEPARTMENT  
OF REHABILITATION SERVICES

EMPLOYEE APPEALS BOARD

APPELLEE

ORDER OF DISMISSAL

This matter came on for hearing on July 9, 2013, in Jackson Mississippi. The Appellant, Melanie Young, represented herself and Billy Taylor represented the Mississippi Department of Rehabilitation Services ("MDRS").

Melanie Young filed an appeal with the Mississippi Employee Appeals Board ("MEAB") appealing MDRS' denial of her grievance requesting that MDRS rescind a written reprimand. MDRS filed a motion to dismiss claiming that Young had failed to exhaust the agency level grievance procedure. This tribunal finds that Young did not exhaust the agency level grievance procedures, and this matter is dismissed.

Young received a written reprimand on May 3, 2013. On May 8, 2013, Young grieved the written reprimand and asked that it be rescinded. Young mistakenly used an obsolete grievance form requiring four levels of review, with the final level being the Agency Decision. [The current form has three levels of review, with the final level being the Agency Decision.] When it was discovered that Young was using an outdated form she was allowed to complete her grievance using that format and advanced her grievance to the third level. At the third level of review, Sheila C. Browning, Young's third level supervisor

responded to Young in writing. Browning started her written response by stating "Step Three: Next Level of Management (Note: Old form used. Not Agency Decision)." After Young received the response from Browning she filed an appeal with this tribunal.

The Mississippi State Personnel Board Grievance Procedures requires that the final step of a grievance procedure is review by the agency head or the agency's head's designated representative. MEAB Rule III states "Who May Appeal ; Actions Which May be Appealed, A. [A] permanent State Service employee may appeal any action adversely affecting his or her compensation or employment status after exhausting applicable agency grievance procedures."

Young did not advance her grievance to the agency head level, and she was clearly advised that Browning's response was not an Agency level response. Because Young did not exhaust the agency grievance procedures the MEAB lacks jurisdiction to review Young's grievance. Accordingly, this matter must be dismissed.

**SO ORDERED** this the 2<sup>nd</sup> day of Aug, 2013.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY:   
INGRID DAVE WILLIAMS  
Hearing Officer