

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

THALUS MARK LADNER

**FILED**  
NOV 06 2013

APPELLANT

VS.

NO.13-061

MISSISSIPPI DEPARTMENT OF  
CORRECTIONS

EMPLOYEE APPEALS BOARD

APPELLEE

ORDER

This matter came on for hearing on November 4, 2013, via telephone. The Appellant, Thalus Mark Ladner, appeared pro se, and David Scott represented the Mississippi Department of Corrections.

On October 10, 2013, Ladner filed a notice of appeal with the Mississippi Employee Appeals Board. On November 4, 2013, on its own motion the MEAB held a hearing to determine whether it had jurisdiction in this matter.

On July 12, 2013, Ladner was charged with a group Two Number one offense of insubordination. Following an Administrative Review Hearing which was held on July 26, 2012, Ladner was suspended for one week for insubordination. On August 20, 2013, Ladner filed a grievance grieving the imposition of the one week suspension. On September 19, 2013, as the conclusion of the fourth step of the grievance procedure, MDOC sent Ladner a letter denying him any relief. Ladner received that letter on September 23, 2013. Ladner filed an appeal of that grievance with the MEAB on October 10, 2013.

MEAB Rule V. B specifies 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." MEAB rule II. *Time Calculation* states that "the

day of the . . . event from which the designated period of time begins to run shall not be included. "There is no exemption for weekends, and no reference to work days in the Time Calculation. Pursuant to this rule the deadline for Ladner to file an appeal with the MEAB was October 8, 2013. Ladner failed to meet that deadline.

Since Ladner did not perfect his appeal by timely filing, this tribunal lacks jurisdiction. Accordingly, this matter is dismissed.

**SO ORDERED** this the 6th day of November, 2013.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY:   
INGRID DAVE WILLIAMS  
Hearing Officer