

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

ALEATHA W. FRANK

FILED

APPELLANT

VS.

JUN 10 2014

DOCKET NO. 14-019

MISSISSIPPI DEPARTMENT OF CORRECTIONS

EMPLOYEE APPEALS BOARD

RESPONDENT

ORDER OF DISMISSAL

Presently before the Mississippi Employee Appeals Board is the appeal of Aleatha W. Frank (hereafter "Ms. Frank").

Ms. Frank was suspended from duty without pay for three (3) working days by letter dated May 14, 2014. Archie Longley, Correctional Deputy Commission of Institutions, suspended Ms. Frank without pay for an alleged violation of unauthorized absence or leave in excess of three (3) consecutive working days without required notification and satisfactory explanation in violation of Subparagraph Number 1 of Appendix III (Third Group Offense) as outlined in the *State Personnel Board Manual of Policies, Rules and Regulations updated July, 2013*.

The record of receipt signed by Ms. Frank reflects that she received the May 14, 2014, notice of suspension without pay on May 19, 2014.

Chapter X of the *Mississippi State Personnel Board Policy and Procedure Manual* and the *Mississippi State Employee Handbook* effective July 1, 2013, Section 10.7(V)(B) provides, "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 from within fifteen days of the first attempted delivery date by certified mail, return receipt requested, whichever occurs first."

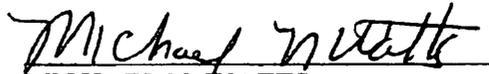
Ms. Frank received her notice of suspension on May 19, 2014. To timely perfect her appeal, Ms. Frank was required to file her Notice of Appeal with the Mississippi Employee Appeals Board no later than June 3, 2014.

Ms. Frank's Notice of Appeal was not filed until June 4, 2014. Thus, she failed to perfect her appeal within the fifteen (15) day time period required by Section 10.7(V)(B) of the *Mississippi State Personnel Board Policy and Procedure Manual*. Accordingly, this tribunal lacks subject matter jurisdiction and Ms. Frank's appeal is dismissed, with prejudice.

SO ORDERED, THIS THE 9 DAY OF June, 2014.

MISSISSIPPI EMPLOYEE APPEALS BOARD

By:



MICHAEL N. WATTS
Presiding Hearing Officer