

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

PEGGY COLEMAN

APPELLANT

VS.

**FILED**  
**DEC 03 2014**

CAUSE NO. 14-028

OFFICE OF STATE TREASURER

**EMPLOYEE APPEALS BOARD**

RESPONDENT

**ORDER DISMISSING CASE FOR  
LACK OF JURISDICTION**

On July 8, 2014, Ms. Peggy Coleman (hereafter "Coleman") filed a Notice of Appeal with the Mississippi Employees Appeals Board (hereafter "EAB"), specifically requesting the EAB to address a reprimand received by Coleman from the Office of the Treasurer (hereafter "Treasurer").

A hearing was set for November 19, 2014. At the hearing, by *ore tenus* motion, the Treasurer, through counsel, requested a dismissal based upon the Appellant's alleged untimely appeal to the EAB. Upon review of the final notice of the agency and the appeal documents from the Appellant, it is the opinion of the hearing officer that the Motion of the Respondent is well taken, and should be granted.

Section V (B) of the Administrative Rules of the Mississippi Employee Appeals Board provides that Coleman was required to file her Notice of Appeal within fifteen (15) days after written receipt of the adverse employment decision. The Mississippi Supreme Court has held that the specified time limit for an appeal cannot be extended absent some event, not caused by a party, affecting that party's substantial rights. Mississippi Employment Security Commission v. Powell, 787 So. 2d 1277 (Miss. 2001).

The Appellant, Coleman, filed her appeal on July 8, 2014. The final disciplinary response letter of the Treasurer was delivered to the Appellant, Coleman, on June 20, 2014. Appellant, Coleman, did not file her appeal until July 8, 2014, approximately one (1) day late.

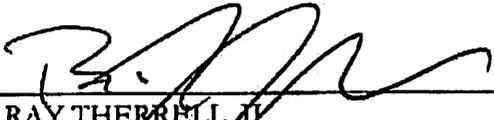
The deadline to file her appeal was July 7, 2014. When asked, Coleman argues that she was simply trying to get her paperwork together to file her appeal. Coleman submitted additional information to the Hearing Officer on November 26, 2014 to support her claim. However, after review of the additional documents, it is clear that her appeal was untimely, and fails to rise to the level of good cause required for an untimely filed appeal.

While this is an unfortunate situation, the hearing officer has no choice, but to dismiss the Appellant's appeal for lack of jurisdiction. Ms. Coleman's appeal and reasons for filing late do not rise to the level of evidence sufficient to relax or extend her appeal deadline. Ms. Coleman was afforded all of the notice to which she was entitled, yet she failed to properly file her appeal with the EAB. Moreover, she has failed to provide sufficient evidence to excuse her untimely appeal to the EAB.

For the above reasons, the Employee Appeals Board lacks jurisdiction to address Coleman's appeal, and her appeal is hereby dismissed, with prejudice.

SO ORDERED AND ADJUDGED, this the 31<sup>st</sup> day of December, 2014.

MISSISSIPPI EMPLOYEE APPEALS BOARD

  
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B. RAY THERRELL, II  
Presiding Hearing Officer