

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

MARK S. PITNER

APPELLANT

VERSUS

FILED
DEC 16 2014

DOCKET NO. 14-052

MISSISSIPPI DEPARTMENT OF
PUBLIC SAFETY

EMPLOYEE APPEALS BOARD

RESPONDENT

ORDER OF DISMISSAL

A prehearing conference was held in this matter on December 3, 2014. The Appellant, Mark S. Pitner, acknowledged that he had failed to exhaust the agency level grievance procedures, at the Mississippi Department of Public Safety ("MDPS"), before filing the instant appeal with the Employee Appeals Board ("EAB").

EAB Rule 4.A. states that "[n]o person may file an appeal with the Administrative Office until all applicable agency-level grievance procedures have been exhausted in accordance with MSPB policies, rules and regulations." Accordingly, since Pinter failed to exhaust the agency level grievance procedure, the EAB does not have jurisdiction of this matter.

However, the grievance documents show that Pitner was given erroneous information, by his supervisor, about the procedure he was to follow after his initial grievance was denied. Therefore, should Pitner choose to file an appeal with the EAB, about the same grievance, he will not be required to pay an additional filing fee.

SO ORDERED, this the 16th day of December, 2014.


Ingrid Dave Williams
Hearing Officer