

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

DAVID BROWN

APPELLANT

VS.

CAUSE NO. 14-056

MISSISSIPPI STATE DEPARTMENT OF HEALTH

RESPONDENT

FILED
JAN 20 2015

ORDER OF DISMISSAL MISSISSIPPI EMPLOYEE APPEALS BOARD

On December 10, 2014, David Brown (hereafter "Brown") filed a Notice of Appeal with the EAB, specifically requesting the EAB to address five grievances with the Mississippi State Department of Health. On December 16, 2014, MSDH filed a Motion to Dismiss, specifically arguing Brown's grievances were non-grievable under state service grievance procedures. Pursuant to the undersigned hearing officer's request, a pre-hearing conference was held on January 9, 2015, to address the issue as to whether or not Brown's appeal is a non-grievable issue.

Under Chapter 10 Grievances and Appeals of the MSPB Policy and Procedures, every employee upon state service may file a grievance if that offense meets the issues set forth in Chapter 10.2 of the MSPB Policy and Procedures. It is the ruling of the hearing officer that Brown's grievances do not rise to the level of grievable offenses as set forth in Chapter 10.2 of the MSPB Policy and Procedures. Brown does not allege discrimination in his appeal or during the pre-hearing conference. Therefore, Brown's appeal is not properly before the EAB. The EAB lacks subject matter jurisdiction over this matter. Brown's appeal is hereby dismissed, with prejudice.

So Ordered and Adjudged, this the 20th day of January, 2015.

Mississippi Employee Appeals Board



B. Ray Therrell, II
Presiding Hearing Officer