

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

JOHN D. LANE

FILED

APPELLANT

VS.

MAR 27 2015

NO. 14-031

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

EMPLOYEE APPEALS BOARD

RESPONDENT

**ORDER DISMISSING JOHN D. LANE'S
INITIAL APPEAL TO THE MISSISSIPPI EMPLOYEE APPEALS BOARD
AND HIS APPEAL OF HEARING OFFICER B. RAY THERRELL, II'S
ORDER DATED JANUARY 16, 2015 AND FILED JANUARY 20, 2015**

Before the Mississippi Employee Appeals Board, *en banc*, is John D. Lane's (hereafter "Mr. Lane") appeal from the Order entered by Hearing Officer B. Ray Therrell, II on January 16, 2015. Hearing Officer Therrell's January 16, 2015, Order was filed with the Mississippi Employee Appeals Board on January 20, 2015.

The Mississippi Employee Appeals Board, having considered Mr. Lane's appeal, finds that Mr. Lane's appeal to the Mississippi Employee Appeals Board of a June 4, 2014, written reprimand must be dismissed for lack of subject matter jurisdiction.

The Administrative Rules of the Mississippi Employee Appeals Board provide that all employees who wish to appeal an adverse employment decision must do so within fifteen (15) days of their receipt of written notification of the adverse employment decision. Specifically, the *Mississippi State Personnel Board Policy and Procedure Manual* states as follows:

Rule 10.7.5 Perfection of Appeal by Timely Filing

- A.
- B. 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 or within fifteen days of the first attempted delivery date by certified mail, return receipt requested, whichever occurs first.

Further, Rule 10.7.7 of the *Mississippi State Personnel Board Policy and Procedure Manual* provides “When an appeal is filed, a presiding hearing officer shall determine whether or not he or she has jurisdiction. If not, the appeal shall be dismissed.”

Mr. Lane was issued a Group II, Offense Number 1 written reprimand on June 4, 2014. Although, Mr. Lane refused to sign for receipt of the June 4, 2014, written reprimand, he was provided a copy of that reprimand no later than June 13, 2014. This is confirmed by Mr. Lane’s inter-agency Mississippi State Personnel Board grievance form filed on June 13, 2014. Mr. Lane’s June 13, 2014, grievance form was an inter-agency grievance form filed by Mr. Lane against his supervisor, Patricia Hall.

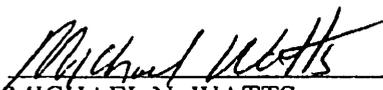
Pursuant to the *Mississippi State Personnel Board Policy and Procedure Manual*, Mr. Lane was required to file his appeal from his Group II written reprimand within fifteen (15) days of the date he received notice of the written reprimand. At the latest, Mr. Lane had received notice by June 13, 2014, of the written reprimand. Thus, Mr. Lane was required to file his Notice of Appeal to the Mississippi Employee Appeals Board to the June 4, 2014, written reprimand no later than June 28, 2014. Mr. Lane did not file his Notice of Appeal until July 21, 2014, well after June 28, 2014.¹ For this reason, Mr. Lane’s appeal to the Mississippi Employee Appeals Board concerning the June 4, 2014, Group II, Offense Number 1 reprimand is dismissed for lack of subject matter jurisdiction.

¹Mr. Lane’s filing of an inter-agency grievance did not toll the fifteen (15) day period in which he was required to file his Notice of Appeal to the Mississippi Employee Appeals Board on his June 4, 2014, written reprimand.

Mr. Lane, in his July 21, 2014, appeal to the Mississippi Employee Appeals Board, appealed the Mississippi Department of Human Services' denial of his inter-agency grievance filed on June 13, 2014. However, none of Mr. Lane's grievances, as set forth in his June 13, 2014, inter-agency grievance form were grievable offenses under Chapter 10 of the *Mississippi State Personnel Board Policy and Procedure Manual*. Accordingly, Mr. Lane's appeal to the Mississippi Employee Appeals Board of the Mississippi Department of Human Services' denial of his June 13, 2014, grievance is dismissed.

The Mississippi Employee Appeals Board, *en banc*, having considered all of Mr. Lane's grounds for appeal set forth in his July 21, 2014, appeal to the Mississippi Employee Appeals Board finds that Mr. Lane's appeal should be dismissed in its entirety for the reasons set forth in this Order. Mr. Lane's appeal is dismissed, with prejudice.

SO ORDERED, on this the 27 day of March, 2015.


MICHAEL N. WATTS
For the Mississippi Employees
Appeals Board, *en banc*