

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

FILED  
FEB 04 2014  
EMPLOYEE APPEALS BOARD

TIFFANY WHITE

APPELLANT

VS.

CAUSE NO. 14-002

MISSISSIPPI DEPARTMENT OF CORRECTIONS

RESPONDENT

**ORDER DISMISSING CASE FOR  
LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to the undersigned Hearing Officer's request, a hearing was held on January 27, 2014, to address the issue as to whether or not the Appellant, Tiffany White (hereafter "White"), had timely filed her Notice of Appeal. White was sent a Letter of Termination of Employment by the Mississippi Department of Corrections on December 19, 2013, by certified mail. The letter was received and signed for on December 20, 2013, at White's residence. White's Notice of Appeal was filed with the Mississippi Employee Appeals Board on January 9, 2014.

Section V (B) of the Administrative Rules of the Mississippi Employee Appeals Board provides that White 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).

White's appeal deadline expired on Saturday, January 4, 2014. Since her appeal deadline on a Saturday, she had until January 6, 2014, to file her Notice of Appeal. White's appeal was not filed until January 9, 2014, three days after her appeal deadline. White argues her appeal was untimely because a family member signed for the certified letter, but did not give her the letter until several days later.

While this is an unfortunate situation, it does not rise to the level of evidence sufficient to relax or extend her appeal deadline. On December 19, 2013, the Letter of Termination of Employment was sent by certified mail to White's address of record. On December 20, 2013, the letter was received and signed for by a member of White's family residing at the home. White had fifteen (15) days from that date to file an appeal. Whether the family member gave White the letter several days after it was received is immaterial. Service was proper and reasonably calculated to inform White of the Mississippi Department of Corrections' final decision. White was afforded all of the notice to which she was entitled; and her appeal was not timely filed to the Mississippi Employee Appeals Board.

For the above reasons, the Employee Appeals Board lacks subject matter jurisdiction and White's appeal is hereby dismissed, with prejudice.

SO ORDERED AND ADJUDGED, this the 4<sup>th</sup> day of February, 2014.

MISSISSIPPI EMPLOYEE APPEALS BOARD



B. RAY THERRELL, JR.  
Presiding Hearing Officer