

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

JAMES W. GWIN

FILED

APPELLANT

VS.

DEC 07 2012

NO. 12-067

MISSISSIPPI DEPARTMENT OF CORRECTIONS

EMPLOYEE APPEALS BOARD

RESPONDENT

ORDER

Presently before the Mississippi Employee Appeals Board is the appeal of James W. Gwin. Mr. Gwin has appealed a two week suspension without pay for alleged insubordination. Mr. Gwin was suspended without pay from October 8 through October 12 and October 15 through October 19, 2012.

Mr. Gwin's letter of suspension is dated September 20, 2012. Mr. Gwin acknowledged written receipt of this letter of suspension on October 1, 2012.

The *Mississippi State Personnel Board Policy and Procedures Manual* provides in pertinent part:

Rule 10.7.V. 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 notification 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.

Mississippi State Personnel Board Policy and Procedures Manual Section 10.7.V.B.

Mr. Gwin received notification on October 1, 2012, but he did not perfect his appeal to the EAB until October 17, 2012. This is sixteen (16) days, not fifteen (15) days. Accordingly, the EAB lacks jurisdiction to adjudicate his appeal. Because Mr. Gwin did not

file his Notice of Appeal within fifteen days after the date he received written notice of his suspension, Mr. Gwin failed to timely perfect his appeal and his appeal is DISMISSED.

SO ORDERED THIS THE 7 DAY OF December, 2012.

MISSISSIPPI EMPLOYEE APPEALS BOARD

By:



MICHAEL N. WATTS
Presiding Hearing Officer