

FILED
APR 25 2014

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

EMPLOYEE APPEALS BOARD

CEDRIC LOVE

APPELLANT

VS.

NO.13-057

**MISSISSIPPI DEPARTMENT
OF CORRECTIONS**

APPELLEE

ORDER

The Mississippi Employee Appeals Board issued a Final Written Decision and Order in Appellant, Cedric Love's, appeal of his termination by the Appellee, Mississippi Department of Corrections ("MDOC"), on March 11, 2014. Love filed a written Request for Review by the full Employee Appeals Board on April 11, 2014. On April 14, 2014, MDOC filed a Motion to Dismiss Love's Request for Review because it had not been filed timely.

Rule XXV. A. of the Administrative Rules of the Employee Appeals Board states as follows:

A. Any party aggrieved by the final written decision and order of a presiding hearing officer entered on the hearing of an appeal may file a written Request for Review by the full EAB.

B. The request must be filed within fifteen days after the date the final order is filed.

Since the final MEAB Order was filed on March 11, 2013 the Request for Full Board Review was required to be filed by Wednesday, March 26, 2014. "Timely notice of appeal is a prerequisite to jurisdiction. *Tandy Electronics, Inc. v. Fletcher*, 554 So.2d 308, 310 (Miss. 1989)." *Slay v. Mississippi Department of Agriculture and Commerce*, 771 So. 2d 968 (Miss. App. 2000).

Timely filing of the Request for Review is a prerequisite for this tribunal

to have jurisdiction to Review the Hearing Officer's Final Decision and Order, and the Request for Review was not timely filed; the Full Mississippi Employee Appeals Board lacks jurisdiction to review the Hearing Officer's Order, and this matter must be dismissed.

For the foregoing reasons Request for Full Board Review is dismissed.

SO ORDERED this the 25th day of April, 2013.

MISSISSIPPI EMPLOYEE APPEALS BOARD

BY: Ingrid Dave Williams
INGRID DAVE WILLIAMS
Chief Hearing Officer