

BEFORE THE MISSISSIPPI EMPLOYEE APPEALS BOARD

CASSANDRA DANNER

FILED

APPELLANT

AUG 11 2016

VS.

EMPLOYEE APPEALS BOARD

DOCKET NO.: 16-002

MISSISSIPPI DEPARTMENT OF HUMAN SERVICES

RESPONDENT

AMENDED ORDER OF DISMISSAL

This cause was remanded from the full Mississippi Employee Appeals Board to determine if the appellant received proper notice of her termination. On July 25, 2016, MDHS filed an acknowledgement that Danner signed on January 27, 2016 when she received her termination letter. MDHS has met its burden of proving that Danner received her termination notice on January 27, 2016.

On April 18, 2016, MDHS filed a Motion to Dismiss for Failure to Timely Perfect Appeal. Rule 10.7.5, *Perfection of Appeal by Timely Filing*, of the Mississippi Employee Appeals Board Administrative Rules, dictates the requirements for perfection of an Appeal by Timely filing. The Rule provides that a Notice of Appeal must be filed within fifteen (15) calendar days after the date a person receives written notice of the final decision of an alleged grievable action/dismissal or within fifteen (15) calendar days after the effective date of such action, whichever occurs first. Danner's notice of appeal was not filed until February 16, 2016, which is 20 days after her date of termination.

Danner's Notice of Appeal was not timely filed and she failed to perfect her appeal within the fifteen (15) day time period required by Rule 10.7.5(B) of the Mississippi Appeals Board Administrative Rules.

Therefore, the Motion to Dismiss is granted. The appeal is dismissed with prejudice.

So ORDERED, on this the 11th day of August, 2016.

MISSISSIPPI EMPLOYEE APPEALS BOARD

A handwritten signature in black ink, appearing to read "Grant M. Fox", written over a horizontal line.

Grant M. Fox

HEARING OFFICER