**BEFORE THE PERSONNEL RESOURCES BOARD**

**STATE OF WASHINGTON**

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| CHRISTINA ABBY,<br><br>Appellant,<br><br>v.<br><br>DEPARTMENT OF CORRECTIONS,<br><br>Respondent. | ) | PRB Case No. R-DEMO-11-003<br><br>**ORDER OF DISMISSAL** |

This matter came before the Personnel Resources Board DJ MARK, Chair, and JOSEPH PINZONE, Vice Chair, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

WAC 357-52-215 provides, in relevant part:

> The board may dismiss an appeal on its own motion when:
>
> (1) An appellant has failed to provide information required under WAC 357-52-020;
>
> (2) The parties have notified the board that the case has been settled and the appeal has not been withdrawn within thirty calendar days of the notice of settlement;
>
> (3) An appeal is not filed on time;
>
> (4) The board lacks jurisdiction over the subject matter or parties to the appeal;
>
> (5) A party fails to participate in a prehearing conference as described in WAC 357-52-095; or
>
> (6) The board is unable to contact the appellant at the last address and telephone number provided by the appellant.

On August 20, 2011, Appellant filed an appeal of her demotion. On October 21, 2011, hearing on the appeal was scheduled for February 12, 2012. On November 7, 2011, Appellant participated in a pre-hearing status conference with Board staff and Respondent's representative. On December 12, 2011, Appellant filed her discovery request with the Board. Board staff contacted Appellant and told

her that her request should be served on Respondent's Assistant Attorney General. Appellant then provided the Assistant Attorney General with her request.

By email dated January 26, 2012, Appellant alleged that she had not received complete responses to her discovery and notified the Personnel Resources Board that she was "being forced to forego the process." On January 30, 2012, Board staff replied by email asking for clarification of Appellant's statement. Appellant did not respond to staff's request. On February 1, 2012, Board staff contacted Appellant by telephone. During the conversation, Appellant confirmed that she did not intend to pursue her appeal, would not attend the hearing, and did not intend to submit a formal withdrawal of her appeal.

Pursuant to WAC 357-52-045, by letter dated February 1, 2012, Board staff confirmed the information Appellant provided during the telephone call, provided Appellant with a withdrawal form, and notified her that the February 15, 2012, hearing had been canceled. Appellant did not contact staff and did not submit the withdrawal form.

On February 22, 2012, Board staff served the parties with a Notice of Potential Dismissal. The notice stated that the appeal would be dismissed unless, within fifteen calendar days following the date of service of the notice, the Board received a written request showing good cause why the appeal should not be dismissed. Neither party submitted a request.

Appellant has demonstrated that she no longer wishes to pursue her appeal. Therefore, the appeal should be dismissed.

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## ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Christina Abby v. Department of Corrections, PRB No. R-DEMO-11-003, is dismissed.

DATED AND MAILED this _____ day of _____, 2012.

WASHINGTON PERSONNEL RESOURCES BOARD

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DJ MARK, Chair

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JOSEPH PINZONE, Vice Chair