BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

GREG SCHIRATO Appellant, vs. DEPARTMENT OF FISH AND WILDLIFE, Respondent.	PRB CASE NO. R-DISM-15-005 **ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board (hereinafter the Board), NANCY HOLLAND YOUNG, Chair, VICKY BOWDISH, Vice-Chair, and SUSAN MILLER Member, for dismissal pursuant to RCW 41.06.170 and WAC 357-52-215.

On June 25, 2015, the Personnel Resources Board received Greg Schirato's appeal due to his dismissal from employment. Since the inception of the present case, there have been several continuances due to the nature of the Department of Fish and Wildlife's decision to terminate the employment of Mr. Schirato.

In accordance with WAC 357-52-215, a letter dated June 19, 2018, was sent to Mr. Schirato from Board staff stating, "due to the nature of criminal convictions, and Mr. Schirato's ability to attend any hearing on his dismissal from state service, the Board, by its own motion is slating the case be dismissed should any action not occur by December 31, 2018. Mr. Schirato has argued he is seeking the Washington Court of Appeals to overturn his conviction." Additionally, the letter states "should the Court of Appeals deny Appellant's appeal, the Board will dismiss this matter immediately."

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

The board may dismiss an appeal on its own motion when:

> (6) The board is unable to contact the appellant at the last address and telephone number provided by the appellant.

In addition, WAC 357-52-220 provides:

> The parties must be served with written notice that the appeal will be dismissed unless, within fifteen calendar days following the date of service, a written request is made to the board showing good cause why the appeal should not be dismissed. If no timely request is made, the board must dismiss the appeal.

As of today's date, Board staff has not received a response from the Appellant to the letter dated June 19, 2018. According to the Appellate Court Case Summary on the Washington Court of Appeals website, on October 11, 2018 a Motion for Dismissal was filed. On October 30, 2018, a ruling terminating review was filed. Subsequently, on November 30, 2018, the Clerk of the Court issued a mandate. This is a notification that informs all parties of an appellate court decision terminating the review. Due to the status of Mr. Schirato's Court of Appeals case, the Board will move to dismiss this matter immediately.

The Board having reviewed the file and records herein and being fully advised in the premises now enters the following:

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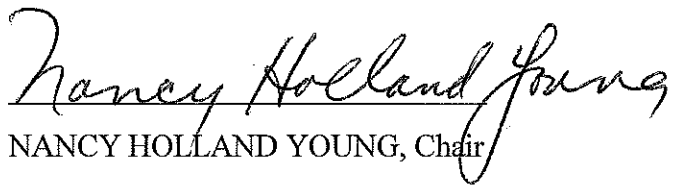
ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Greg Schirato v. Department of Fish and Wildlife, PRB Case No. R-DISM-15-005, is dismissed.

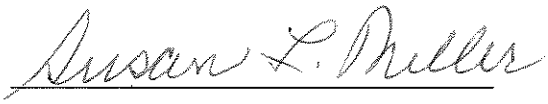
DATED AND MAILED this 31st day of December, 2018.

WASHINGTON PERSONNEL RESOURCES BOARD



NANCY HOLLAND YOUNG, Chair

VICKY BOWDISH, Vice-Chair



SUSAN MILLER, Member