

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 STACY TRUSSLER, )  
4 Appellant, )  
5 vs. )  
6 WASHINGTON STATE DEPARTMENT OF )  
7 TRANSPORTATION, )  
8 Respondent. )

PRB Case No. R-JUR-16-002

**ORDER OF DISMISSAL**

9 This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair,  
10 SUSAN MILLER, Vice-Chair, and VICKY BOWDISH, Member, for dismissal pursuant to WAC  
11 357-52-015 and WAC 357-52-225.

12 On March 25, 2016, Stacy Trussler filed an appeal of her disability separation. Ms. Trussler's  
13 separation was effective February 15, 2016.

14  
15 By letter dated March 28, 2016, board staff sent a Letter of Dismissal to both parties. The letter  
16 stated reasons why the appeal was untimely and directed the parties to submit affidavits and/or  
17 written argument within twenty-one (21) calendar days explaining why the appeal should not be  
18 dismissed. On April 18, 2016, Thomas Knoll, Assistant Attorney General, responded to the letter on  
19 behalf of Washington State Department of Transportation (WSDOT) stating the reasons why the  
20 appeal was untimely and, therefore, should be dismissed. Ms. Trussler did not respond to the letter.

21 The Notice of Potential Dismissal was sent on April 27, 2016, in accordance with WAC 357-52-  
22 035. The notice stated the appeal would be dismissed unless, within fifteen (15) calendar days  
23 following the date of the notice, the Board received a written request showing good cause why the  
24 appeal should not be dismissed. Neither party submitted a response to the Notice.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

WAC 357-52-015 states, in relevant part:

In order to be considered timely, an appeal must be received in writing at the Office of the Board within thirty calendar days after:

- (1) The effective date of the disciplinary action, layoff, or separation;**
- (2) The date the employee could reasonably be expected to have knowledge of the action giving rise to a law or rule violation claim or the stated effective date, whichever is later;
- (3) Service of the director's determination unless the rules specifically state that the director's determination is final; or
- (4) The effective date of the exemption of a position or the notice of exemption, whichever is later.

The disability letter from WSDOT stated Ms. Trussler's disability separation was effective February 15, 2016. Board staff received her appeal request on March 25, 2016 and, therefore, Ms. Trussler's appeal request was received by the Board forty (40) calendar days the effective date of the separation. Therefore, the appeal request was untimely.

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

**ORDER**

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Stacy Trussler v. Washington State Department of Transportation, *PRB Case No. R-JUR-16-002*, is dismissed.

DATED AND MAILED this \_\_\_\_ day of \_\_\_\_\_, 2016.

WASHINGTON PERSONNEL RESOURCES BOARD

\_\_\_\_\_  
NANCY HOLLAND YOUNG, Chair

\_\_\_\_\_  
SUSAN MILLER, Vice-Chair

\_\_\_\_\_  
VICKY BOWDISH, Member