

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 NATHAN WEHMEYER,)
4 Appellant,)
5 v.)
6 DEPARTMENT OF FISH AND WILDLIFE)
7 Respondent.)
8)

PRB Case No. R-JUR-17-001

ORDER OF DISMISSAL

9 This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair, and
10 SUSAN MILLER, Vice-Chair, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

11 On January 3, 2017, the Personnel Resources Board received Nathan Wehmeyer’s appeal taking
12 exception to the director’s determination regarding the timeliness of his appeal. The appeal was
13 received thirty-one (31) days after Department of Fish and Wildlife (DFW) deposited the Allocation
14 Determination Letter in the U.S. mail.

15 By letter dated December 16, 2016, Connie Goff, Rules and Appeals Section Chief, sent Mr.
16 Wehmeyer a letter addressing the timeliness of his appeal. In her letter, Ms. Goff cited WAC 357-
17 04-105 (1), which states:

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19 ...when civil service rules require an...employee...to receive notice, the notice
20 must be provided by personal delivery, United States mail, or by telephone
21 facsimile transmission with same-day mailing of copies unless the specific rule
22 requiring notice allows for alternative methods of providing notice such as
23 electronic mail (“e-mail”), state mail service, commercial parcel delivery or
24 campus mail service.

25 Ms. Goff further stated that WAC 357-13-080(1) requires employees to request a Director’s review
26 within thirty calendar days “of being provided the results of a position review or the notice of

1 reallocation.” Mr. Wehmeyer’s letter was served on October 10, 2016, when it was deposited in the
2 U.S. mail. Director’s review staff received the appeal on November 10, 2016, which was one day
3 late, per WAC 357-13-080(1).

4 Director’s review staff determined the review request was received more than thirty (30) days after
5 the director’s determination was deposited in the mail. Because there was no director’s review,
6 there can be no written exceptions filed. Without written exceptions to a director’s determination for
7 allocation, it is out of the Board’s jurisdiction to hear the case.

8 In accordance with WAC 357-52-045, by letter dated January 10, 2017, Board staff directed the
9 parties to provide affidavits and/or written argument addressing the Board’s jurisdiction within
10 twenty-one (21) calendar days. Neither party submitted a response.

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12 By letter dated February 1, 2017, the Board served Mr. Wehmeyer and DFW with a Notice of
13 Potential Dismissal. The Notice of Potential Dismissal notified the parties the appeal would be
14 dismissed unless, within fifteen (15) calendar days following the date of service of the notice, the
15 Board received a written request showing good cause why the appeal should not be dismissed.
16 Neither Mr. Wehmeyer nor DFW submitted a response to the Notice of Potential Dismissal.

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

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of *NATHAN WEHMEYER VS. DEPARTMENT OF FISH AND WILDLIFE*, PRB Case No. R-JUR-17-001, is dismissed.

DATED AND MAILED this _____ day of _____, 2017.

WASHINGTON PERSONNEL RESOURCES BOARD

NANCY HOLLAND YOUNG, Chair

SUSAN MILLER, Vice-Chair