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**BEFORE THE PERSONNEL RESOURCES BOARD**

**STATE OF WASHINGTON**

MICHAEL BREYSSE )  
 )  
 Appellant, )  
 )  
 v. )  
 )  
 WASHINGTON STATE DEPARTMENT OF )  
 TRANSPORTATION )  
 )  
 Respondent. )

PRB Case No. R-JUR-17-004

**ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board, NANCY HOLLAND YOUNG, Chair, and VICKY BOWDISH, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

On January 20, 2017, the Personnel Resources Board received Michael Breysse’s appeal of alleged violations. By letter dated January 31, 2017, Board staff sent both parties a dismissal letter explaining why the appeal request was not within the Board’s jurisdiction. The letter gave both parties twenty-one (21) calendar days to respond in writing showing good cause why the appeal should not be dismissed. Neither parties responded to the dismissal letter.

On February 21, 2017, Thomas Knoll, counsel for Respondent, submitted a Motion to Dismiss. In his motion, Mr. Knoll explained why Appellant’s appeal was not within the Board’s jurisdiction. Appellant did not respond to the Motion to Dismiss.

By letter dated February 23, 2017, Board staff sent both parties a Notice of Potential Dismissal. The notice gave both parties fifteen (15) calendar days to submit a written request showing good cause why the appeal should not be dismissed. Neither party submitted a response.

1 **Board Conclusion.** Neither the RCW nor the civil service rules allow the Board to waive the  
2 jurisdictional requirements for filing appeals. RCW 41.06.170 states, in relevant part:

3 ...

4 (2) Any employee who is reduced, dismissed, suspended, or demoted, after  
5 completing his or her probationary period of service as provided by the rules of  
6 the director, or any employee who is adversely affected by a violation of the state  
7 civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the  
8 right to appeal...

9 Appellant's appeal contained multiple allegations, none of which stated specific violations to  
10 subsection (2) above.

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

13 **ORDER**

14  
15 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of *MICHAEL BREYSSE VS.*  
16 *WASHINGTON STATE DEPARTMENT OF TRANSPORTATION*, PRB Case No. R-JUR-17-004,  
17 is dismissed.

18 DATED AND MAILED this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

19  
20 WASHINGTON PERSONNEL RESOURCES BOARD

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

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25  
26 \_\_\_\_\_  
VICKY BOWDISH, Member