

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 LAURA GOSHORN,)
4 Appellant,)
5 v.)
6 DEPARTMENT OF LABOR AND)
7 INDUSTRIES)
8 Respondent.)

PRB Case No. R-JUR-17-006

ORDER OF DISMISSAL

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

11 On February 10, 2017, the Personnel Resources Board received Laura Goshorns’s appeal taking
12 exception to the director’s determination regarding the timeliness of her appeal. The Request for a
13 Director’s Review was received thirty-two (32) days after the Department of Labor and Industries
14 (LNI) deposited the Allocation Determination Letter in the U.S. mail.

15 By letter dated January 27, 2017, Connie Goff, Rules and Appeals Section Chief, sent Ms. Goshorn
16 a letter addressing the timeliness of her Director’s Review Request. In her letter, Ms. Goff cited
17 WAC 357-04-105 (1), which states, in relevant part:

18
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.

1 Ms. Goff further cited the following:

2 WAC 357-04-105(2): Requires “service of notice upon parties will be regarded
3 as completed when personal delivery has been accomplished; or upon deposit in
4 the United States mail...”

5 WAC 357-13-080(1): Requires employees to request a Director’s review within
6 thirty (30) calendar days “of being provided the results of a position review or the
7 notice of reallocation.”

8 Ms. Goshorn’s letter was deposited in the U.S. mail on December 9, 2016. Director’s review staff
9 received the appeal on January 11, 2017, which was two days late, per WAC 357-13-080(1).

10
11 In accordance with WAC 357-52-045, by letter dated February 15, 2017, Board staff directed the
12 parties to provide affidavits and/or written argument addressing the Board’s jurisdiction within
13 twenty-one (21) calendar days. Neither party submitted a response.

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

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

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of *LAURA GOSHORN v. DEPARTMENT AND LABOR AND INDUSTRIES*, PRB Case No. R-JUR-17-006, is dismissed.

DATED AND MAILED this _____ day of _____, 2017.

WASHINGTON PERSONNEL RESOURCES BOARD

NANCY HOLLAND YOUNG, Chair

VICKY BOWDISH, Member