

1 **BEFORE THE PERSONNEL RESOURCES BOARD**

2 **STATE OF WASHINGTON**

3 HOLLY LENGACHER,)

4 Appellant,)

5 v.)

PRB Case No. R-JUR-09-008

6 WASHINGTON STATE UNIVERSITY,)

7 Respondent.)

ORDER OF DISMISSAL

8 _____

9 This matter came before the Personnel Resources Board, LAURA ANDERSON, Vice Chair, and DJ
10 MARK, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

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

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

13 (1) An appellant has failed to provide information required under WAC 357-52-020

14

15

16 By letter dated September 28, 2009, Holly Lengacher filed an appeal request regarding the
17 circumstances of her layoff. Consistent with WAC 357-52-035, Board staff reviewed her request
18 and determined that the request was unclear.

19 WAC 357-52-035 provides, in relevant part:

20 (1) When the board receives an appeal, it reviews the document(s) to determine
21 whether the information required by this section has been provided.

22 (2) If any of the required information is not provided with the appeal, the board
23 directs the appellant to provide the missing information and sends a copy of the
24 notice to all affected parties.

25 (3) The appellant must provide the missing information as requested within twenty-
26 one calendar days of the date the notification is mailed.

 . . .

1 (5) If the appellant fails to comply with the requirements of this section the board
2 may dismiss the appeal according to WAC 357-52-215.

3 Because the appeal request was unclear, by letter dated October 6, 2009, Board staff asked Ms.
4 Lengacher to either specify the rules she alleged were violated or confirm that she was appealing the
5 reason for her layoff. Pursuant to WAC 357-52-035, this information was due within twenty-one
6 calendar days of the date of the letter. Ms. Lengacher did not submit a response to the Board's
7 October 6, 2009 letter.

8 On November 3, 2009, Board staff served the parties with a Notice of Potential Dismissal. The
9 notice stated that the appeal would be dismissed unless, within fifteen calendar days following the
10 date of service of the notice, the Board received a written request showing good cause why the
11 appeal should not be dismissed.

12 Ms. Lengacher was served with a copy of notice by both regular and certified mail. On November 6,
13 2009, she received the copy sent by certified mail. However, she did not file a response to the
14 Notice of Potential Dismissal.

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

17 **ORDER**

18 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal request of Holly Lengacher v.
19 Washington State University, PRB Case No. R-JUR-09-008, is dismissed.

20 DATED AND MAILED this _____ day of _____, 2009.

21 WASHINGTON PERSONNEL RESOURCES BOARD

22 _____
23 LAURA J. ANDERSON, Vice Chair

24 _____
25 DJ MARK, Member