BEFORE THE PERSONNEL RESOURCES BOARD

STATE OF WASHINGTON

VEASNA VOEUK, Appellant, v. DEPARTMENT OF SOCIAL AND HEALTH SERVICES, Respondent.	PRB Case No. R-JUR-13-002 **ORDER OF DISMISSAL**

This matter came before the Personnel Resources Board, JOSEPH PINZONE, Chair; DJ MARK, Vice Chair; and NANCY HOLLAND YOUNG, Member, for dismissal pursuant to WAC 357-52-215 and WAC 357-52-220.

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

> The board may dismiss an appeal on its own motion when:
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> (1) An appellant has failed to provide information required under WAC 357-52-020;
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> . . . .
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> (4) The board lacks jurisdiction over the subject matter or parties to the appeal . . . .

On February 28, 2013, Mr. Voeuk filed an appeal of his dismissal asking for "clearance" for his position in regard to his background check. Although Mr. Voeuk indicated that the Department of Social and Health Services took the action he was appealing, it appeared that he actually worked for Catholic Community Services, not the Department of Social and Health Services.

Based on the information Mr. Voeuk provided, it did not appear that he was employed by the State of Washington as a classified civil service employee. In addition, he indicated that he had worked for four months. Employees of the State of Washington must serve a probationary period before

they become permanent state employees. Typically, probationary periods are a minimum of six months. Therefore, even if Mr. Voeuk had been employed by the State of Washington, it did not appear that he would have completed his probationary period.

The Board's jurisdiction is found in Chapter 41.06 RCW which is the civil service law for employees who work for the State of Washington. Actions that may be appealed to the Board are contained in RCW 41.06.170. Section 2 provides, in part:

> Any employee who is reduced, dismissed, suspended, or demoted, <u>after completing his or her probationary period of service</u> as provided by the rules of the director, or any employee who is adversely affected by a violation of the state civil service law, chapter 41.06 RCW, or rules adopted under it, shall have the right to appeal, either individually or through his or her authorized representative, not later than thirty days after the effective date of such action to the Washington personnel resources board. . . .
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> (Emphasis added.)

In accordance with WAC 357-52-035, by letter dated March 1, 2013, Board staff directed Mr. Voeuk to provide written argument addressing the Board's jurisdiction in regard to his appeal. Board staff also requested that he provide any supporting documentation to show that he was employed by the State of Washington. Mr. Voeuk's response was due within twenty-one days of the date of the letter. Mr. Voeuk did not provide a response to the letter.

Because Mr. Voeuk failed to provide information establishing the Board's jurisdiction in this matter, it appeared that the appeal should be dismissed. On March 25, 2013, Board staff served the parties with a Notice of Potential Dismissal. The notice stated that the appeal would be dismissed unless, within fifteen (15) calendar days following the date of the notice, the Board received a written request showing good cause why the appeal should not be dismissed. Neither party responded to the Notice of Potential Dismissal.

Appellant failed to establish that the matter he wished to appeal was within the Board's jurisdiction. Therefore, it appears that the appeal should be dismissed.

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

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal of Veasna Voeuk vs. Department of Social and Health Services, PRB Case No. R-JUR-13-002, is dismissed.

DATED AND MAILED this _____ day of _____, 2013.

WASHINGTON PERSONNEL RESOURCES BOARD

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JOSEPH PINZONE, Chair

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DJ MARK, Vice Chair

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NANCY HOLLAND YOUNG, Member