THE WEST VIRGINIA EDUCATION AND STATE EMPLOYEES

GRIEVANCE BOARD

ALICE GOFF and SUZANNE CANTRELL,

Grievants,

v. Docket No. 05-HHR-392

DEPARTMENT OF HEALTH and HUMAN SERVICES/BUREAU for PUBLIC HEALTH and DIVISION OF PERSONNEL,

Respondents.

D E C I S I O N

Grievants, Alice Goff and Suzanne Cantrell, are employed by the Department of Health and Human Resources ("HHR" or "Agency"), and filed their grievances on or about December 29, 2004.

Grievant Goff's Statement of Grievance stated: "Functioning in the same capacity as Administrative Services Manager II and Accountant/Auditor III. Relief sought was "[e]qual pay/equal pay grade as those performing like duties/responsibilities (equal pay for equal work). Back pay with interest as per agency standard."

Grievant Cantrell's Statement of Grievance stated "equal pay for equal work, performing same job duties as peers, reorganization resulting in equal work assignments." Her relief sought was "[e]qual pay as peer workers[,] Administrative Services Manager II and Administrative Services Assistant III, with back pay and interest from date equal work began." At the Level III hearing, Grievants changed the classification sought to Administrative Services Manager 1 and indicated the main thrust

of the grievance was to be reallocated, as they believed they were misclassified. The Division of Personnel asserts Grievants are correctly classified, and HHR defers to the Division of Personnel in matters dealing with classification.

This grievance was denied at all lower levels. Grievants appealed to Level IV on October 20, 2005, and the Level IV hearing was held on April 4, 2006. Grievants were represented by Todd Reed, Esquire, HHR was represented by Jennifer Akers, Assistant Attorney General, and Personnel was represented by Karen O'Sullivan Thornton, Assistant Attorney General. This case became mature for decision on May 5, 2006, after receipt of the parties' proposed findings of fact and conclusions of law.

After a detailed review of the entire record, the undersigned Administrative Law Judge makes the following Findings of Fact.

Findings of Fact

1. Grievant Goff is employed as an Administrative Services Assistant 3, Pay Grade 13, by the Department of Health and Human Resources in the Bureau for Public Health, within the Office of Community Health Systems.

2. Grievant Cantrell is employed as an Accountant/Auditor 3, Pay Grade 14, by the Department of Health and Human Resources in the Bureau for Public Health, within the Office of Community Health Systems.

3. In January 2004, Grievant Goff was told by her supervisor, Susan Chapman, that she needed her to work out of her classification and gave her additional duties. Ms.Chapman also directed Grievant Goff to complete a new Position Description Form reflecting these additional duties.

4. Grievant Goff completed this Position Description Form, and it was sent to the Division of Personnel in September 2004 for review.

5. The Division of Personnel found Grievant Goff was properly classified and any additional duties were of the type and complexity covered by her class specification.

6. On October 22, 2004, Ms. Chapman wrote Mr. Basford noting that at the current time she had three employees who were basically performing the same duties and they were currently classified as an Administrative Services Assistant 3, an Accountant/Auditor 3, and an Administrative

Services Manager 2. The individual who was classified as an Administrative Services Manager 2, Kip Smith, had been removed from his administrative position as Finance Director as the result of disciplinary action and returned to performing his prior duties of an Accountant/Auditor 3 without a change in his classification. Ms. Chapman requested Mr. Basford to reevaluate these positions and to perform a desk audit.

7. On April 15, 2005, Mr. Basford conducted desk audits with Grievant Goff, Grievant Cantrell, and Mr. Smith. He asked these employees to clarify and describe their duties, and then followed these audits with a meeting with Ms. Chapman to ask her opinions. Mr. Basford compared Grievant Goff's duties to her Position Description Form, Grievant Cantrell's duties to her job posting as she did not submit a Position Description Form, and Mr. Smith to his former Position Description Form. All agreed these documents were mostly correct with some additions and deletions, and these were the duties they currently performed. 8. Grievants and Mr. Smith function in a support capacity to various divisions such as Emergency Medical Services, Rural Health, and Primary Care. Their main focus is the grants and grant applications associated with these divisions. Grievants and Mr. Smith are to ensure the funds in these grants are maintained correctly, and that the funds in these grants are spent correctly. Grievants and Mr. Smith do not supervise these divisions' employees, but do give advice and direction on the funds involved in the agencies' grants.

9. Grievants and Mr. Smith do not supervise any employees and are not in charge of an organizational unit.

10. Mr. Basford found all three employees performed many of the same duties, but Grievant Goff did not have as many accounting duties as the other two employees. Mr. Basford found Grievant Goff and Grievant Cantrell were properly classified, but since Mr. Smith no longer had any management duties he should be reallocated to an Accountant/Auditor 3. Grt. No. 1 at Level III.

11. Mr. Smith was reallocated to an Accountant/Auditor 3 shortly thereafter. His compensation was decreased accordingly.

12. Grievant Cantrell is expected to provide more direct assistance and advice to the Division of Emergency Services, including preparing and monitoring budgets. She also assists them in the bid and purchasing process.

13. Grievant Goff cannot be reallocated to an Accountant/Auditor 3 position because she does not have a college degree with an emphasis in accounting.

14. At the Level IV hearing, Ms. Chapman reported Grievant Goff's duties had recently been decreased because she was not capable of performing them. 15. The Division of Personnel defines a Manager as someone who oversees "a formally designated organizational unit or program that requires extended planning of work activities, control of resources, and all the means used to accomplish work within the assigned area of responsibility. Coordinates the work of the unit or program with the agency and external interest groups. Is held accountable for establishing and meeting the objective and goals of the unit or program." Division of Personnel, *Glossary of Classification Terms* at http://www.state.wv.us/admin/personnel/clascomp/Docs/define.htm

16. The Division of Personnel defines "administrative support" as "support services such as personnel, budget, purchasing, data processing which support or facilitate the service programs of the agency . . . ." Id.

17. The Division of Personnel defines a "supervisor" as the individual "formally delegated responsibility for planning, assigning, reviewing and approving the work of three or more full-time employees which also includes initiating disciplinary actions, approving sick and annual leave requests, conduct performance evaluations, recommend salary increases, and is a step in the grievance process." Id.

18. The duties Grievants currently perform are of the kind or level of duties and responsibilities stated in their class specifications as listed below.

ADMINISTRATIVE SERVICES ASSISTANT 3 (Grievant Goff)

Nature of Work

Under general direction, performs complex administrative and/or supervisory work in providing support services such as fiscal, personnel, payroll or procurement on a statewide basis or serves in a specialty role of a complex support program with extensive federal oversight. Responsible for the development and implementation of policies and procedures for the work unit; for the monitoring and evaluation of the specialized functional area. Works within general statute and regulatory parameters, but has considerablelatitude to vary work methods, policy applications to achieve desired results. The work includes supervision of subordinate professional, technical or office support staff. The work is typically complex, varied and requires considerable interaction with local, state and federal agencies and the general public. Performs related work as required.

Distinguishing Characteristics

Positions in this class are distinguished from the Administrative Services Assistant 2 by the responsibility for unit operation and results obtained. Positions in this class are typically responsible for a complex, statewide administrative support program or function in a specialized role of considerable difficulty and complexity involving sensitive and controversial issues and the lack of standard procedures and/or precedent for programmatic guidance. Has considerable authority to vary work methods and may be assigned responsibility to commit the agency to alternative courses of action.

Examples of Work

Develops technical procedures for the effective implementation of the work of the unit, to include forms, operating procedures, and proposed policies; confers with unit management and other staff regarding revisions to budgetary, purchasing, and other administrative services, policies, and procedures.

Develops operating manuals necessary for the instruction and training of unit staff, agency officials, and other state officials; conducts periodic training sessions for new initiatives and procedures in the area of responsibility.

Analyzes the budget document and appropriate enabling legislation to determine the need for revised operational procedures for the budgetary cycle.

Prepares or supervises the preparation of required fiscal and budgetary reports in the area of responsibility.

Monitors the expenditures of state agencies and higher education systems to ensure compliance with budgeted appropriations; confers with state officials and budget specialists in the resolution of expenditure level problems; advises on the transfer and reallocation of funds to resolve such problems; briefs management on potential areas of appropriation level difficulties.

Prepares or assists in the appropriation of grant proposals and budgetary recommendations for the agency; monitors the execution of appropriations throughout the fiscal year.

Develops procedures, forms, and controls necessary for the effective operation of the unit.

Within State Purchasing Rules and Regulations, examines purchasing requests for conformity to specifications and budgeted amounts; may negotiate contracts and agreements for the procurement of equipment, supplies and services.

Supervises other professional, technical and clerical employees in the unit.

Knowledge, Skills and Abilities

Knowledge of the functions and objectives of the agency.

Knowledge of the laws and regulations relating to the agency.

Knowledge of the principles and techniques used in the assigned technical function or specialty area.

Ability to coordinate the unit activities with other units within and outside state government.

Ability to establish and maintain effective working relationships with others.

Ability to analyze and interpret budgetary and technical data related to the area of assignment.

Ability to supervise the work of others.

Minimum Qualifications

Training: Graduation from an accredited college or university with a degree in the area of assignment.
Substitution: Additional qualifying experience as described below may be substituted on a year-for-year basis.
Experience: Three years of full-time or equivalent part-time paid experience in a professional, administrative, technical, or supervisory position related to the area of assignment.
Substitution: Graduate study in the area of assignment may be substituted on a year-for-year basis for up to two (2) years of the required experience.

ACCOUNTANT/AUDITOR 3 (Grievant Cantrell)

Nature of Work

Under general supervision, performs full-performance accounting/auditing duties in one or more of the following areas: general accounting, internal auditing, external auditing, budget/administration, and financial analysis. The incumbent may be responsible for preparing reports on expenditure comparisons and budget estimates, writing and reviewing audit programs, and analyzing complex accounting transactions and reports for compliance with accounting/auditing guidelines and

procedures. Extensive travel may be required. Performs related work as required.

Distinguishing Characteristics

This is full-performance professional accounting/auditing work. Positions at this level are characterized by the complexity of the accounting duties. Complex tasks could be defined as using the accrual method as opposed to the cost method, involvement with a variety of accounts or funds, being subject to an external audit, and/or the responsibility forsetting rates. Responsibilities may also include training lower-level accountants/auditors in preparing financial documents such as journals, vouchers, and financial schedules.

Examples of Work

Assists in the development and installation of accounting/auditing systems.

Prepares or reviews a variety of professional accounting and other reports such as they relate to policies, procedures, investments, financial positions and operational results.

Writes audit and/or comprehensive review programs, tests accounting records and related reconciliations, develops sampling and other techniques of evaluation, prepares reports of auditors' findings, recommendations, and conclusions; assists in explaining findings and recommendations to grantee organizations and agency officials.

Reviews prior audit reports and financial statements of agency/entity.

Analyzes moderately complex administrative and technical problems and formulates suggested improvements or solutions; evaluates and approves selection of information to be included in reports of examination.

Evaluates efficiency and effectiveness of various programs; analyzes financial records for completeness and accuracy to determine compliance with state and federal laws as well as with national accounting and auditing standards.

Consults with accounting agency on accounting procedures and problem resolution.

Maintains knowledge of current trends and developments in the field.

May supervise and review work completed by Accounting Technicians and other office support.

May train lower-level accountants/auditors to prepare financial documents such as journals, vouchers, warrants, financial schedules, and reports, and in implementation of departmental

procedures.

Knowledge, Skills and Abilities

Knowledge of generally accepted professional accounting and auditing principles and practices.

Knowledge of the principles, practices, methods and techniques of governmental accounting and auditing.

Knowledge of database principles and/or computerized accounting applications.

Skill in the use of a personal computer especially in the area of accounting spreadsheet applications.

Skill in the use of a calculator.

Ability to prepare accurate accounting entries and adjustments and perform mathematical computations accurately and quickly.

Ability to develop and prepare audit schedules and working papers.

Ability to analyze and interpret accounting records.

Ability to communicate effectively, both verbally and in writing.

Ability to use sound technical judgment in determining the accuracy and completeness of financial information obtained.

Ability to establish and maintain effective working relationships with others.

Minimum Qualifications

Training: Bachelor's degree from an accredited college or university with at least 24 semester hours in accounting.

Experience: Two years of full-time or equivalent part-time paid experience in professional accounting or auditing work.

Substitutions: (1) Master's degree in accounting may substitute for the required experience. (2) Certification or registration as a public accountant in West Virginia may be substituted for the training and required experience.

ADMINISTRATIVE SERVICES MANAGER 1

Nature of Work

Under administrative direction, manages an organizational unit providing administrative and support services (i.e., budgeting, purchasing, personnel, business operations, etc.) in a division where operations, policy, work processes, and regulatory requirements of the unit are predictable and stable. Involves the supervision of professional, technical, and clerical employees. The scope of responsibility includes planning the operations and procedures; directing the work of employees; developing employees; evaluating unit operation; developing budget needs; researching new procedures and improvements; interpreting statutes, regulations and policies. Performs related work as required.

Distinguishing Characteristics

The Administrative Services Manager 1 is distinguished from the Administrative Services Manager 2 by the responsibility to manage a department-wide administrative support function or a secondary mission, or unit of a primary statewide mission of the department.

Examples of Work

Plans, develops, and executes through professional, technical, and clerical staff, a secondary mission of a statewide program or a primary department-wide program.

Directs the daily operations of the staff and may direct regional or other field staff.

Develops and implements operating procedures within regulatory and statutory guidelines; develops and approves forms and procedures.

Renders decisions in unusual or priority situations; consults with supervisors and other state managers in reviewing same.

Evaluates the operations and procedures of the unit for efficiency and effectiveness.

Recommends the selection and assignment of staff to supervisors; conducts interviews and background evaluations for prospective employees. Determines need for training and staff development and provides training or searches out training opportunities.

Assists in the development of the division and/or agency budget for personnel services, supplies, and equipment.

Researches professional journals, regulations, and other sources for improvements to agency and unit programs and procedures.

Compiles a variety of data related to the operation of the unit and/or the agency.

Interprets statutes, regulations and policies to staff, other managers, and the public.

May serve as a witness in grievance hearings or other administrative hearings.

Prepares reports reflecting the operational status of the unit and or agency programs.

Knowledge, Skills and Abilities

May participate in local conferences and meetings.

Knowledge of the organization and programs of the agency or department.

Knowledge of the principles and techniques of management, including organization, planning, staffing, training, budgeting, and reporting.

Knowledge of state government organization, programs and functions.

Knowledge of state legislative processes.

Knowledge of federal, state, and local government relationships as they relate to the program, mission and operations of the unit and/or department.

Ability to plan, direct, and coordinate the program and administrative activities of the unit.

Ability to supervise others.

Ability to evaluate operational situations, analyze data and facts in preparation for administrative and policy decisions.

Ability to establish and maintain effective working relationships with other government officials, employees, and the public.

Ability to present ideas effectively, both orally and in writing.

Minimum Qualifications

Training: Graduation from an accredited college or university with a degree in the area of assignment.

Substitution: Experience as described below may substitute for the training requirement on a year-for-year basis.

Experience: Four years of full-time or equivalent part-time paid administrative or supervisory experience in the area of assignment.

Special Requirement: A valid West Virginia drivers license may be required.

Discussion

As this grievance does not involve a disciplinary matter, Grievants have the burden of proving their grievance by a preponderance of the evidence. Procedural Rules of theW. Va. Educ. & State Employees Grievance Bd. 156 C.S.R. 1 § 4.21 (2004); Howell v. W. Va. Dep't of Health & Human Res., Docket No. 89-DHS-72 (Nov. 29, 1990). See W. Va. Code § 29-6A-6. See also Holly v. Logan County Bd. of Educ., Docket No. 96-23-174 (Apr. 30, 1997); Hanshaw v. McDowell County Bd. of Educ., Docket No. 33-88-130 (Aug. 19, 1988). "The preponderance standard generally requires proof that a reasonable person would accept as sufficient that a contested fact is more likely true than not." Leichliter v. W. Va. Dep't of Health & Human Res., Docket No. 92-HHR-486 (May 17, 1993). Additionally, W. Va. Code § 29-6-10 authorizes the Division of Personnel to establish and maintain a position classification plan for all positions in the classified service. State agencies, such as HHR which utilize such positions, must adhere to that plan in making their employees' assignments. Toney v. W. Va. Dep't of Health & Human Res., Docket No. 93-HHR-460 (June 17, 1994).

Grievants assert their positions are misclassified, and they have requested their positions be reallocated and placed in a higher pay grade. DOP's Rule 3.78 defines "Reallocation" as "[r]eassignment by the Director of Personnel of a position from one classification to a different classification on the basis of a significant change in the kind or level of duties and responsibilities assigned to the position." The key in seeking reallocation is to demonstrate "a significant change in the kind or level of duties and responsibilities." An increase in number of duties and the number of employees supervised does not necessarily establish a need for reallocation. Kuntz/Wilford v. Dep't of Health and Human Res., Docket No. 96-HHR-301 (Mar. 26, 1997). "An increase in the type of duties contemplated in the [current] class specification, does not requirereallocation. The performing of a duty not previously done, but identified within the class specification also does not require reallocation." Id.

Additionally, in order for Grievants to prevail upon a claim of misclassification, they must prove by a preponderance of the evidence that their duties for the relevant period more closely match another cited Division of Personnel classification specification than the ones under which they are currently assigned. See generally, Hayes v. W. Va. Dep't of Natural Res., Docket No. NR-88-038 (Mar. 28, 1989). Personnel specifications are to be read in "pyramid fashion," i.e., from top to bottom, with the

different sections to be considered as going from the more general/more critical to the more specific/less critical, Captain v. W. Va. Div. of Health, Docket No. 90-H-471 (Apr. 4, 1991); for these purposes, the "Nature of Work" section of a classification specification is its most critical section. Atchison v. W. Va. Div. of Health, Docket No. 90-H-444 (Apr. 22, 1991). See generally, Dollison v. W. Va. Dep't of Employment Security, Docket No. 89-ES-101 (Nov. 3, 1989). The key to the analysis is to ascertain whether a grievant's current classification constitutes the "best fit" for the required duties. Simmons v. W. Va. Dep't of Health and Human Res./Div. of Personnel, Docket No. 90-H-433 (Mar. 28, 1991). The predominant duties of the position in question are class-controlling. Broaddus v. W. Va. Div. of Human Serv., Docket Nos. 89-DHS-606, 607, 609 (Aug. 31, 1990). Finally, Personnel's interpretation and explanation of the classification specifications at issue should be given great weight unless clearly erroneous. W. Va. Dep't of Health v. Blankenship, 189 W. Va. 342, 431 S.E.2d 681 (1993). Under the foregoing legal analysis, the West Virginia Supreme Court of Appeals' holding in Blankenship presents an employee contesting her currentclassification and/or pay grade with a substantial obstacle to overcome in attempting to establish she is currently misclassified.

Grievants also assert they should be reallocated because they perform some duties not listed on their class specification. As stated in Division of Personnel Administrative Rule 143 C.S.R. 1 § 4.4:

> (a) Class specifications are descriptive only and are not restrictive. The use of a particular expression of duties, qualifications, requirements, or other attributes shall not be held to exclude others not mentioned.
>
> (b) In determining the class to which any position shall be allocated, the specifications for each class shall be considered as a whole. The Director shall give consideration to the general duties, specific tasks, responsibilities required, qualifications and relationships to other classes as affording together a picture of the positions that the class intended to include.
>
> (c) A class specification is a general description of the kinds of work characteristics of positions properly allocated to that class and not as prescribing what the duties of any position are nor as limiting the expressed or implied authority of the appointing authority to prescribe or alter the duties of any position.
>
> (d) The fact that all of the actual tasks performed by the incumbent of a position do not appear in the specifications of a class to which the position has been allocated does not mean that the position is necessarily excluded from the class, nor shall any one example of a typical task taken without relation to the other parts of the

specification be construed as determining that a position should be allocated to the class.

As stated in the above cited rules, a class specification is a general job description and is not intended to contain every duty an employee may perform. It is the predominant duties that are class controlling. Additionally, Grievants' class specifications under the "Nature of Work" Section states they are to perform "related work as required." Accordingly, there is no need for Grievants' class specifications to enumerate each and every duty they are expected to perform. Mr. Basford testified at both Level III and IV that Grievants were correctly classified. He stated Grievants' positions did not warrant reallocation because there had been no significant change in their duties. Mr. Basford also found Grievants' current duties were within their classifications, and their current duties conformed with the posting and the Position Description Form.

Mr. Basford also noted Grievants did not supervise anyone, and the major focus of an Administrative Services Manager 1, as stated in the class specification, is to "manage an organizational unit providing administrative and support services," and to "supervis[e] professional, technical, and clerical employees." The "Nature of Work" Section notes "[t]he scope of responsibility includes planning the operations and procedures; directing the work of employees; developing employees; evaluating unit operation; developing budget needs; researching new procedures and improvements; [and] interpreting statutes, regulations and policies." Additionally, the Examples of Work Section makes it clear a manager performs his/her duties through his staff, as the first example states "[p]lans, develops, and executes through professional, technical, and clerical staff . . . ," and the second example states "[d]irects the daily operations of the staff." Grievants' work is performed by them, they do not delegate it to others.

After a review of Grievant Goff's Position Description Form, Grievant Cantrell's job posting, the witnesses' testimony, and the rules and regulations governing reallocation, the undersigned Administrative Law Judge finds Grievants are correctly classified, and their classifications are the "best fit" for their duties. While some of Grievants' duties have expanded, these duties fall within those identified in their classification specifications. See Kuntz, supra. Further, Grievants have not demonstrated "a significant change in the kindor level of duties and responsibilities" that would indicate a need to reallocate his position. DOP Rule 3.78. Further, Grievants have not established they perform the duties of an Administrative Services Manager 1.

The above discussion will be supplemented by the following conclusions of law.

Conclusions of Law

1. As this grievance does not involve a disciplinary matter, Grievants have the burden of proving their grievances by a preponderance of the evidence. Procedural Rules of the W. Va. Educ. & State Employees Grievance Bd. 156 C.S.R. 1 § 4.21 (2004); Howell v. W. Va. Dep't of Health & Human Res., Docket No. 89-DHS-72 (Nov. 29, 1990). See W. Va. Code § 29-6A-6. See also Holly v. Logan County Bd. of Educ., Docket No. 96-23-174 (Apr. 30, 1997); Hanshaw v. McDowell County Bd. of Educ., Docket No. 33-88-130 (Aug. 19, 1988).

2. The predominant duties of the position in question are class-controlling. Broaddus v. W. Va. Div. of Human Serv., Docket Nos. 89-DHS-606, 607, 609 (Aug. 31, 1990).

3. The Division of Personnel's determination of its own regulations and classification specifications matters is within its expertise, and these determinations are entitled to substantial weight. Princeton Community Hosp. v. State Health Planning, 174 W. Va. 558, 328 S.E.2d 164 (1985); Farber v. W. Va. Dep't of Health and Human Res., Docket No. 95-HHR-052 (July 10, 1995).

4. An employee who challenges the pay grade or classification to which his or her position is assigned, bears the burden of proving the claim by a preponderance of theevidence. This is a difficult undertaking. W. Va. Dep't of Health v. Blankenship, 189 W. Va. 342, 431 S.E.2d 681 (1995); Bennett v. Dep't of Health and Human Res., Docket No. 93-HHR-518 (June 23, 1995); Johnston v. Dep't of Health and Human Res., Docket No. 94-HHR-206 (June 15, 1995); Thibault v. Div. of Rehab. Serv., Docket No. 94-RS-061 (May 31, 1995); Frome v. Dep't of Health and Human Res., Docket No. 94-HHR-140 (Nov. 29, 1994). See O'Connell v. W. Va. Dep't of Health and Human Res., Docket No. 95-HHR- 251 (Oct. 13, 1995).

5. Grievants have not demonstrated by a preponderance of the evidence that they are misclassified, or that the position of Administrative Services Manager 1 is the "best fit" for their normal duties, as the tasks they performs fall within the class specifications for their positions.

6. Grievants have not demonstrated by a preponderance of the evidence that their duties warrant reallocation, as there has not been a significant change in their duties. Kuntz/Wilford v. Dep't of Health and Human Res., Docket No. 96-HHR-301 (Mar. 26, 1997).

Accordingly, this grievance is **DENIED**.

Any party, or the West Virginia Division of Personnel, may appeal this decision to the Circuit Court of Kanawha County, or to the "circuit court of the county in which the grievance occurred." Any such appeal must be filed within thirty (30) days of receipt of this decision. W. Va. Code § 29-6A-7 (1998). Neither the West Virginia Education and State Employees Grievance Board nor any of its Administrative Law Judges is a party to such appeal and should not be so named. However, the appealing party is required by W. Va.Code § 29A-5-4(b) to serve a copy of the appeal petition upon the Grievance Board. The appealing party must also provide the Board with the civil action number so that the record can be prepared and properly transmitted to the appropriate circuit court.

JANIS I. REYNOLDS

ADMINISTRATIVE LAW JUDGE

Dated: May 31, 2006