WEST VIRGINIA PUBLIC EMPLOYEES

GRIEVANCE BOARD

SHELVA SEE, et al.,

Grievants,

v. **Docket No. 07-DNR-147**

DIVISION OF NATURAL RESOURCES/
WILDLIFE RESOURCES SECTION,

Respondent.

DISMISSAL ORDER

This matter consists of the consolidated grievances of Shelva See, Tammy Thompson, and Joy Cutright, which were combined for purposes of hearing and decision on October 26, 2007.

Grievants Shelva See and Tammy Thompson have settled their disputes with Respondent and have notified this Grievance Board of their desire to withdraw their grievances. Respondent has moved to dismiss the grievance of Grievant Joy Cutright, due to her retirement from employment.

Grievant Cutright requested as relief in her original grievance that she be "[a]llowed to continue working from 7:30 am - 3:30 pm. For being harassed, embarrassed, discriminated against and showing favoritism towards other employees to stop. To have no retaliation towards me." The undersigned finds that, because Grievant is no longer employed by Respondent, the relief requested cannot be granted.

Accordingly, it is hereby **ORDERED** that this matter be **DISMISSED** and **STRICKEN** from the

dockets of the undersigned and this Grievance Board. The hearing scheduled for December 14, 2007, has been cancelled.

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. *See* W. Va. Code § 29-6A-7 (*repealed by* Senate Bill No. 442, March 7, 2007*)* (*but see Executive Order No. 2-07*, May 8, 2007). 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.

Date: November 26, 2007

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DENISE M. SPATAFORE

Administrative Law Judge