THERESA OPITZ,

Grievant,

v. **Docket No. 05-DJS-275**

DIVISION OF JUVENILE SERVICES/
INDUSTRIAL HOME FOR YOUTH,

Respondent.

DISMISSAL ORDER

This grievance came on for a level four hearing on March 27, 2006, after due notice to all parties. Grievant failed to appear for the scheduled hearing, prompting Respondent's counsel to move that this grievance be dismissed, due to abandonment.

It is hereby noted that this is the second occasion that Grievant has failed to appear for a level four hearing in this case, without good reason, which previously occurred on January 4, 2006. It is also duly noted that Grievant's knowledge of today's hearing is not in dispute, as evidenced by her communications with Respondent's counsel's office and exchange of documents on Thursday and Friday of last week, on March 23 and 24, 2006, in preparation for the hearing.

Accordingly, the undersigned finds that Respondent's Motion to Dismiss is well- founded, and it is hereby **GRANTED**.

For all of the foregoing reasons, this grievance is hereby **DISMISSED** and **STRICKEN** from the docket of the Education and State Employees Grievance Board.

Any party, or the West Virginia Division of Personnel, may appeal this Order 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.

Date: March 27, 2006

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DENISE M. SPATAFORE

Administrative Law Judge