

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. MA-16-12

(MANAGEMENT SERVICE REPRIMAND)

ANEESAH I. FURQAN,)	
)	
Appellant,)	
)	
v.)	RULING ON APPELLANT'S
)	REQUEST FOR
)	RECONSIDERATION
STATE OF OREGON,)	
DEPARTMENT OF HUMAN SERVICES,)	
)	
Respondent.)	
_____)	

On July 30, 2012, this Board issued an Order dismissing Appellant Aneesah I. Furqan's appeal under ORS 243.570(3) of a written reprimand she received. We dismissed the appeal because it was untimely filed. The reprimand Appellant received was effective May 29, 2012; we received Appellant's appeal on June 29, 2012, 31 days after the reprimand became effective. An appeal of disciplinary action under ORS 243.570(3) must either be received by this Board or postmarked not later than 30 days from the effective date of the discipline. ORS 240.560(1); OAR 115-045-0005; and OAR 115-045-0023(4). In our Dismissal Order, we noted that the Administrative Law Judge (ALJ) wrote Appellant on July 3, 2012, and asked Appellant to show cause why her appeal should not be dismissed. The Appellant never responded to the ALJ's letter.

On July 31, 2012, this Board received a letter from Appellant in which she asked that we "consider rescinding this Dismissal." Appellant included a copy of a response to the ALJ's July 3 letter that she attempted to fax to this Board; the letter was never received because of an error in the fax transmission.

We will consider Appellant's July 31 letter a request for reconsideration of our Dismissal Order. We grant reconsideration to address the issues raised in Appellant's July 31 and July 3 letters.

Appellant argues that we should accept the late filing of her appeal because she believed that June 29 was the last date on which she could file her appeal. Under the State Personnel Relations Law (SPRL), however, we strictly adhere to the timelines for filing appeals because a party's failure

to meet the statutorily required deadlines deprives this Board of jurisdiction to hear the appeal. *Nelson v. Department of Corrections*, Case No. MA-36-94 (January 1995); *Lamb v. Cleveland*, 28 Or App 343, 559 P2d 527 (1977). Accordingly, we cannot excuse Appellant's late filing.

ORDER

Reconsideration is allowed. The Board adheres to its July 31, 2012 Order dismissing this appeal.

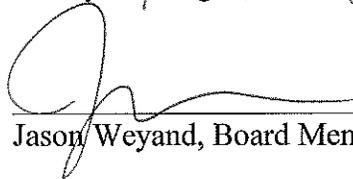
DATED this 8 day of August, 2012.



Susan Rossiter, Board Chair



Kathryn A. Logan, Board Member



Jason Weyand, Board Member

This Order may be appealed pursuant to ORS 183.482.