



evaluation, which rated Appellant's job performance as "improvement needed."<sup>2</sup> Appellant asked this Board to review the evaluation, contending that it is "unjust" and that he should receive a higher rating.

We will dismiss this appeal on two grounds: (1) lack of jurisdiction; and (2) failure of the Appellant to respond to the ALJ's February 19 show cause letter.

Under ORS 240.570(4):

"(4) Management service employees who are assigned, reassigned, transferred or removed, \* \* \* and employees who are disciplined, removed or dismissed from the management service \* \* \* may appeal to the Employment Relations Board in the manner provided by ORS 240.560."

Appellant's request for us to review his performance review is not one of the listed items above. As the appeal does not meet the limited appeal categories set forth in the statute, this Board does not have jurisdiction of this matter. *See Morris v. State of Oregon, Department of General Service*, Case No. MA-8-91 (September 1991) (Board dismissed appeal of negative performance appraisal rating). *See also Burleigh v. Department of Transportation*, Case No. MA-16-96 (June 1996) (Board has no jurisdiction to hear appeal of a letter of expectations).

Appellant's failure to respond is also grounds for dismissal. Appellant was warned that the ALJ would recommend dismissal if Appellant failed to respond to the February 19, 2016 letter. Appellant's lack of response is a failure of prosecution. *See Martin v. State of Oregon, Fairview Training Center*, Case No. MA-3-99 (June 1999).

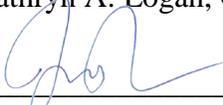
The appeal will be dismissed for lack of jurisdiction and for lack of prosecution.

ORDER

The appeal is dismissed.

DATED May 3, 2016.

  
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Kathryn A. Logan, Chair

  
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Jason M. Weyand, Member

  
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Adam L. Rhynard, Member

This Order may be appealed pursuant to ORS 183.482.

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<sup>2</sup>The evaluation categories are: outstanding, exceeds expectations, meets expectations, improvement needed, and unacceptable.