

EMPLOYMENT RELATIONS BOARD

OF THE

STATE OF OREGON

Case No. MA-09-10

(MANAGEMENT SERVICE REPRIMAND)

KRISTINA WARGNIER,	)	
	)	
Appellant,	)	
	)	
v.	)	DISMISSAL ORDER
	)	
STATE OF OREGON, DEPARTMENT	)	
OF CONSUMER AND BUSINESS	)	
SERVICES,	)	
	)	
Respondent.	)	
_____	)	

Kristina Wargnier, Appellant, Salem, Oregon, appeared *pro se*.

Sylvia Van Dyke, Assistant Attorney General, and Tessa Sugahara, Attorney-in-Charge, Labor and Employment Section, Department of Justice, Salem, Oregon, represented Respondent.

Kristina Wargnier, a management service employee with the Department of Consumer and Business Services (Department), received a reprimand effective on July 6, 2010. On August 6, 2010, she filed an appeal of the reprimand by hand delivering it to this Board's offices.

An appeal by a management service employee under ORS 240.570(3) must either be received by this Board or postmarked not later than 30 days after the effective date

of the discipline. ORS 240.560(1), ORS 240.570(5), and OAR 115-045-0005. *Moriarty v. State of Oregon, Department of Human Services*, Case No. MA-04-06 (October 2006). Wargnier's appeal was filed 31 days after the effective date of the discipline.

On August 10, 2010, Administrative Law Judge (ALJ) Wendy L. Greenwald wrote to Wargnier asking her to show cause why the appeal should not be dismissed as untimely. On September 9, 2010, Wargnier responded that she was unable to deliver the appeal until August 6, 2010, because she had not received the information she needed to prepare her appeal until two days prior to the date the appeal was due.

Wargnier's appeal was not filed within the 30-day limitation period established by ORS 240.560(1). Therefore, the appeal will be dismissed as untimely.

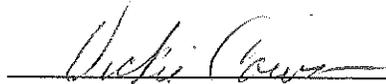
ORDER

The appeal is dismissed.

DATED this 27 day of September, 2010.



Paul B. Gamson, Chair



Vickie Cowan, Board Member



Susan Rossiter, Board Member

This Order may be appealed pursuant to ORS 183.482.