



Anne S. Soileau
Director

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NOTICE OF DECISION

APPEALS DIVISION
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IN RE: Susan Hill vs. Department of Natural Resources– Coastal Restoration
Docket No. 16462 consolidated with S-16490

TO: Susan Hill
Post Office Box 615
Brusly, LA 70719

Mark Falcon, Attorney
Avant & Falcon
Post Office Box 2667
Baton Rouge, LA 70821

Dear Gentlemen and/or Mesdames:

You are hereby served with a copy of the decision rendered by the Referee in the above case in which you are an attorney of record or in which you are a party. You may file with the State Civil Service Commission an application to request the Commission to review the Referee's decision. The application for review must comply with Civil Service Rule 13.36 and 13.37 and must be either postmarked or received within fifteen calendar days of the date the decision was filed. If no application for review is filed, the decision of the Referee becomes the final decision of the Commission as of the date the Referee's decision was filed.

Your attention is also invited to Rule III of the Uniform Rules of the Courts of Appeal and Article X, Section 12 of the Louisiana Constitution of 1974, as amended effective October 15, 1982.

Pursuant to Civil Service Rule 13.24(c), if judicial review of this decision is sought, the party requesting a transcript shall be responsible for paying the cost of transcription. Notice of estimated costs will be sent in accordance therewith.

I hereby certify that this notice and a copy of the decision were mailed to the above-listed attorneys and/or parties this date **November 5, 2008**.

Sincerely,

Anne S. Soileau
Anne Soileau, Director
Department of State Civil Service
Secretary, State Civil Service Commission

Attachment:
1) decision

cc: Scott Angelle
Mary Gina

AP:AS:dl

*** We accept all filings by FAX 225.342.8058 and by e-mail dscs.appeals@la.gov

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Decision

Filed: **November 5, 2008**

State of Louisiana
Civil Service Commission

Docket No. **16462 consolidated with S-16490**

Susan Hill
Versus
Department of Natural Resources-Coastal Restoration

Rule(s): 13.22

Topic(s): Dismissal of appeal; non-appearance of appellant

Appearances: Susan Hill, self-represented
Mark Falcon, representing DNR

Statement of the Appeal

This appeal was scheduled for a hearing on October 30, 2008, at 9:00 a.m., at the Department of State Civil Service (DSCS), Claiborne Building, 1st Floor – Room #1-131, 1201 North Third Street, Baton Rouge, Louisiana. The notice setting the hearing was mailed on September 30, 2008, by first class mail to the address provided by Ms. Hill in her appeal. The first class mail has not been returned.

At 8:08 a.m. on Thursday, October 30, 2008, Ms. Hill sent an e-mail to the DSCS Appeals e-mail Division. This e-mail stated:

Ms. Goynes:

I will not be able to attend for the matter of which you have control. I have become very ill and I am experiencing, among others, extreme physical symptoms at this time.

Susan Hill

I received a copy of this e-mail around 8:50 a.m., as I was leaving to go to the 9:00 a.m. hearing. At 9:17 a.m., I sent a response to Ms. Hill from Debbie Long's¹ computer. This response read as follows:

I have received your notice that you will not be able to attend the hearing scheduled for today. You failed to provide sufficient information for me to make a determination that you were too ill to proceed, therefore your request to continue is DENIED. You have until 10:30 a.m. today to appear or provide me with a doctor's certificate within 24 hours, that states you were too ill to proceed with the hearing, otherwise this matter will be dismissed as failure to appear (DNAP).

Roxie F. Goynes
Civil Service Commission Referee

Ms. Hill was neither present nor represented on October 30, 2008, at 10:30 a.m. The agency's counsel was present and ready to proceed, and had been since prior to 9:00 a.m. By 10:47 a.m., neither Ms. Hill nor an attorney appearing on her behalf had arrived. At that time, agency counsel made a motion to dismiss based on Ms. Hill's failure to appear. I granted this motion, subject to reconsideration if I received a doctor's certificate from Ms. Hill.

I have not received a doctor's certificate from Ms. Hill, declaring her too ill to appear or proceed with the hearing on October 30, 2008. Therefore, pursuant to the provisions of Article X, Section 12(A) of the State Constitution and Civil Service Rule 13.22(b), I dismiss this appeal.

s/Roxie F. Goynes

Roxie F. Goynes
Civil Service Commission Referee

¹ Ms. Long is an administrative assistant for the appeals section. Ms. Long forwarded the reply to Ms. Hill on my authority from her e-mail address.