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August 13, 2008

Ms. Roxie F. Goynes, Referee
Department of State Civil Service
Post Office Box 94111, Capitol Station
Baton Rouge, Louisiana 70804-9111

RE: Appeal of Susan Hill
(DNR), Docket No. 16462

Dear Ms. Goynes:

Please consider the premises a Motion for Partial Summary Disposition of Ms. Hill's appeal pursuant to Civil Service Rule 13.14(a)1 & 2.

In her appeal, Ms. Hill identifies the actions under appeal to be a "reduction in pay with associated pre-deprivation notice and letter of counseling, among other actions." By letter dated July 8, 2008, Ms. Hill received a reduction in pay, a copy of which is attached to her appeal. By operation of law, Ms. Hill automatically has a right of appeal to this Commission to challenge the propriety of this disciplinary action.

To the extent that Ms. Hill is challenging the pre-deprivation notice associated with the subsequent July 8 disciplinary notice, DNR shows that a proposed action is not an appealable event. Furthermore, within Paragraph 6 of her appeal, appellant knowingly misrepresents that she was provided only one business day to respond to the pre-deprivation notice. In reality, upon detecting that the response deadline (June 30) had not been changed when submission of the pre-deprivation notice to appellant had been delayed, DNR extended the deadline to July 7 (see attached). This extension was told verbally to Ms. Hill by her supervisor, Mr. Belhadjali, and also confirmed via e-mail by her supervisor, Ms. Smith. Irrespective of this notice, Ms. Hill elected to respond on June 30 (see attached).

Ms. Hill similarly cannot appeal a counseling notice but instead, her limited response entitlement is defined by Rule 12.9. As stated above, she provided a response on June 30, therein merely stating her disagreement with the content of the counseling notice. No further appeal is available under the Civil Service Rules.

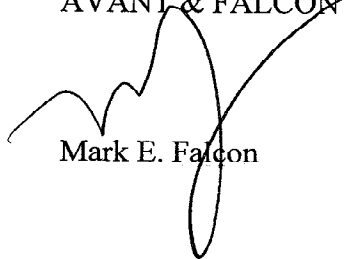
In her appeal, Ms. Hill also references, among other things, retaliation, defamation, abuse of process, detrimental reliance, material misrepresentation and other such generalizations, none of which actions are within the subject matter jurisdiction of this Commission. As such, DNR requests

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that these additional actions likewise be summarily dismissed, thus leaving only the July 8 disciplinary notice to be at issue in this appeal.

Yours truly,

AVANT & FALCON

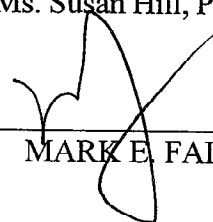
A handwritten signature in black ink, appearing to read 'Mark E. Falcon', is written over the printed name.

Mark E. Falcon

MEF:jmt

CERTIFICATE

I HEREBY CERTIFY that a copy of the above and foregoing has this date been mailed in the U.S. Mail, postage prepaid, properly addressed to Ms. Susan Hill, Post Office Box 615, Brusly, Louisiana 70719, this 14 day of August, 2008.

A handwritten signature in black ink, appearing to read 'Mark E. Falcon', is written over a horizontal line.

MARK E. FALCON

Karim Belhadjali

From: Karim Belhadjali
Sent: Friday, June 27, 2008 9:18 AM
To: Karim Belhadjali
Subject: FW: Letter of June 26 from Appointing Authority
Importance: High
Sensitivity: Confidential

Diane and I met with Susan yesterday at 4:40 in Diane's office. Diane, acting on behalf of the Appointing Authority handed Susan two letters. The pre deprivation notice from Dave Fruge and the counseling letter from me. Susan read both letters in our presence, and then asked Diane what she needed to do. Diane told her that for the pre-deprivation letter, there was a deadline of June 30 to reply to the letter. Susan commented that that was only one business day, and then she asked to be dismissed. Diane called Mary Ginn who approved an extension to the deadline. Diane called and left a voicemail for Susan informing her of the extension, and followed it up with an email. When I went back to my office, Susan was in her cube and I verified that she had received Diane's voicemail.

Karim Belhadjali
Coastal Resources Scientist Manager
Restoration Technology Section
LDNR Coastal Restoration Division
Phone: (225) 342-4123, Fax: (225) 242-3406

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-----Original Message-----

From: Diane Smith
Sent: Thursday, June 26, 2008 5:10 PM
To: Susan Hill
Cc: Karim Belhadjali; Mary Ginn; Diane Smith
Subject: Letter of June 26 from Appointing Authority
Importance: High
Sensitivity: Confidential

I spoke with Ms. Mary Ginn, DNR Human Resources Director, regarding the deadline of June 30, 2008, for responding to the letter I gave you this evening on behalf of the OCRM Appointing Authority, Mr. David Fruge. Ms. Ginn has advised that, by means of this e-mail, you have until cob on Monday, July 7, 2008, to respond to this letter.

Karim Belhadjali

From: Susan Hill
Sent: Monday, June 30, 2008 11:31 AM
To: David Fruge; Karim Belhadjali
Subject: (1) Response to the attached letter of counseling and (2) Response to the attached pre-deprivation notice

Response to the letter of counseling: I disagree with the contents of this letter and the action taken.

Response to the pre-deprivation notice: I disagree with the contents of this letter and the action taken.

Susan Hill
Coastal Resources Scientist Supervisor
Ecological Review Unit
Restoration Technology Section
Coastal Restoration Division
Louisiana Department of Natural Resources
susan.hill@la.gov