

MOTION TO DEEM APPEAL WITHDRAWN

Pursuant to Section 13-2 of the Appeal Procedures adopted by this Board, the Appointing Authority requests Ms. Santana's appeal be deemed to be withdrawn as a result of her failure to appear at the Pre-Hearing Conference scheduled and noticed for Friday, April 12, 2013.

1. Ms. Santana is appealing her termination following her falsification of a FMLA medical certification form.

2. Attorney Jason Ester, on behalf of the Board, provided both Ms. Santana and the Appointing Authority with notice of pre-hearing conferences to be had on April 12, 2013 and, if a continuance of the first meeting is required, April 19, 2013.

3. The Appointing Authority understands that Mr. Ester subsequently mailed correspondence to Ms. Santana inquiring as to whether or not she would be appearing at the pre-hearing conference.

4. The Appointing Authority understands that no response was received.

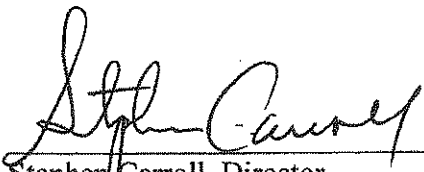
5. "Parties to an appeal are expected to appear at noticed pre-hearing conferences and appeal hearings. Upon motion and a showing that an appellant had notice of and failed to appear at a scheduled pre-hearing conference or appeal hearing, the Board may treat such failure to appear as a voluntary withdrawal of the appeal. Notice of the motion, and the date and time of the meeting when it will be considered by the Board, shall be provided by the moving party via regular U.S. Mail to the appellant at his or her last known address." 13-2, Appeal Procedures.

6. The Appointing Authority defers to Mr. Ester as to the notice provided to Ms. Santana and requests this Honorable Board do the same.

WHEREFORE, the Appointing Authority respectfully requests this Honorable Board deem Ms. Santana's Appeal withdrawn and allow the termination to stand as issued.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was served upon Jessica Santana by regular and certified U.S. Mail #7003 0500 0005 4986 1934, 2948 Finch Dr., Holiday, FL 34690 on April 15th, 2013.


Stephen Carroll, Director
DEI, Finance Division

cc: Jason Ester, Esq.

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