

**BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
RANDY MCLAIN**

ORDER

September 14, 2016

This matter came before the Board upon the dismissal of the Employee from his employment with the Alabama Department of Corrections (“ADOC”). This matter was assigned to Administrative Law Judge (“ALJ”) Randy C. Sallé, as Hearing Officer for the State Personnel Board. The case was set for hearing on Thursday, August 4, 2016, beginning at 9:00 a.m. On the day of the hearing, at approximately 8:30 a.m., the parties contacted the ALJ’s office by phone and expressed that the Employee wanted to withdraw his Complaint of Discrimination against ADOC.

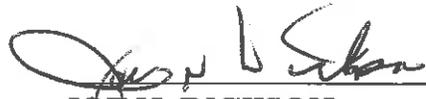
The Employee was ordered to submit his intent to withdraw his complaint, in writing, by close of business on Thursday, August 18, 2016. The order stated, “Failure to do so will result in the complaint being DISMISSED, with prejudice.” The Employee failed to submit his intent to withdraw his complaint in writing by August 18, 2016. Furthermore, the Employee has not made any attempt to contact the ALJ’s office. The ALJ recommends to the Board that the Employee’s complaint be dismissed with prejudice for failure to prosecute.

The Board has carefully considered the Administrative Law Judge's Recommended Order and is of the opinion that the appeal should be dismissed with prejudice.

It is therefore the Order of this Board that the decision to dismiss the complaint is hereby affirmed.

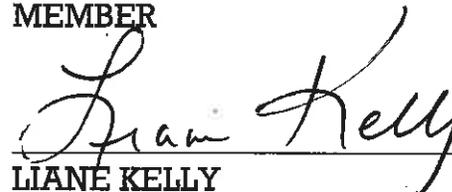


JACKIE GRAHAM
SECRETARY



JOE N. DICKSON
CHAIRMAN

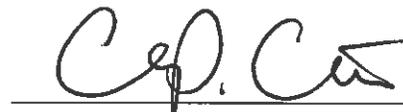
FAYE NELSON
MEMBER



LIANE KELLY
MEMBER



MYRON PENN
MEMBER



CLINTON P. CARTER
MEMBER