

BEFORE THE PERSONNEL BOARD OF THE STATE OF ALABAMA
IN THE MATTER OF THE APPEAL OF
AARON L. MADDOX

ORDER

November 28, 2018

This matter came before the Board upon the dismissal of the Employee from his employment with the Department of Mental Health. This matter was assigned to Administrative Law Judge (“ALJ”) Randy C. Sallé.

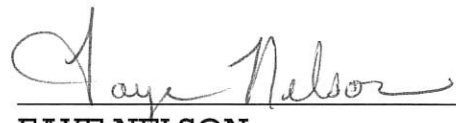
On September 19, 2018, the counsel for the Employee filed a “Motion to Withdraw” and “Request for Continuance.” On September 20, 2018, the ALJ granted the “Motion to Withdraw” based upon the grounds stated in the motion. On September 20, 2018, the ALJ’s staff contacted the Employee by telephone and asked whether he was available for a conference call on September 21, 2018. The Employee stated he was at work and could not speak on the telephone and that he would not be available on that day for a conference call. However, the Employee requested that his phone number be called again and that a voicemail message be left with any details. The Employee was left a message on September 20, 2018, asking that he place a return call and leave a message indicating whether he wanted a continuance in the matter to provide him an opportunity to retain another attorney or if he would like to go forward pro se with the hearing, which was set for September 28, 2018. The Employee failed to respond.

Thereafter, the Employee was to notify the ALJ, in writing, by close of business on October 5, 2018, whether he intended to pursue his appeal. The Employee was warned, "Failure to comply with this order will result in this case being recommended for dismissal." The Employee failed to respond. Accordingly, this case is recommended for dismissal.

It is therefore the Order of this Board that the case be DISMISSED WITH PREJUDICE for failure to prosecute.




JACKIE GRAHAM
SECRETARY



FAYE NELSON
CHAIR



LIANE KELLY
MEMBER



MYRON PENN
MEMBER



EVAN M. THORNTON
MEMBER



DAVID R. MELLON
MEMBER