

**BEFORE THE ALABAMA
STATE PERSONNEL BOARD
IN THE MATTER OF**

Kelvin Lang,)	
)	
Appellant,)	
)	
v.)	CASE NO. 21-03-RCS
)	
Alabama Department of)	
Corrections,)	
)	
)	
Appellee.)	

**RECOMMENDATION TO THE
STATE PERSONNEL BOARD**

On October 20, 2020, Appellant filed an employee dismissal appeal. On October 28, 2020, a pre-hearing conference was held and the parties selected December 15, 2020, as the hearing date.

On December 10, 2020, a Joint Motion to Continue was filed with the undersigned, representing the “parties were hopeful that developments in the criminal aspect of this case may be resolved or clarified in the next few weeks, and/or that the parties may otherwise resolve their differences.” The Motion was “Granted.”

On or about February 10, 2021, Appellant requested a new hearing date based upon information received regarding the criminal charges. On February 11, 2021,

the undersigned issued an Order Resetting the Hearing to March 16, 2021. On March 12, 2021, a Motion to Continue filed by Appellee was granted pending the outcome of the Criminal Investigation due to the privileged information contained within the DOC Investigative File.

On March 30, 2021, an Order was issued in response to Appellant's Motion to Compel which stated the "matter would be re-set once the criminal proceedings have been resolved or in the alternative, if the parties agree to proceed without the investigative file or agree to place the file under seal, they may file a joint motion to re-set the hearing."

On March 27, 2024, the Department of Corrections provided an update in this matter showing Kelvin Lang pled guilty on June 21, 2023. On March 28, 2024, the undersigned issued an Order that required Appellant to notify the undersigned in writing of his intent to pursue his employee dismissal appeal by close of business on Thursday, April 11, 2024. The Order stated, "Failure to comply with this Order will result in the case being recommended for dismissal." Appellant failed to respond to the March 28, 2024, Order.

Wherefore premises considered, it is the recommendation of the undersigned that the appeal should be **DISMISSED WITH PREJUDICE**, for failure to prosecute.

Done, this 3rd day of May 2024.



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