

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

Ora Stakely,

)

Appellant,

)

)

v.

)

CASE NO. 22-20-JJW

)

**Department of Agriculture and
Industries,**

)

)

)

)

Appellee.

)

**RECOMMENDATION TO THE
STATE PERSONNEL BOARD**

On April 13, 2022, Appellant filed an employee dismissal appeal. A pre-hearing conference was held on April 22, 2022, Gunter Guy, Esq., appeared on behalf of the Department of Agriculture and Industries. Ora Stakely was to appear pro se but could not be reached via telephone after she was notified of the pre-hearing conference via email and First-Class mail. The hearing was set for June 14, 2022.

On April 25, 2022, the Department notified this Administrative Law Judge that Ora Stakely had been arrested and charged with 1st Degree Murder and was being held on a \$75,000 cash bond. On April 27, 2022, the Department filed a Motion to Stay which was granted. On June 28, 2022, the Department filed a Motion to Dismiss, or in the alternative, Motion for Default Judgement for Failure to

Prosecute. Counsel based his motion on Appellant's failure to respond to emails or letters since the April 25, 2022, arrest and her subsequent release after making bond in June 2022. Since Appellant did not participate in the telephone prehearing conference, another Order was issued on July 26, 2022. That Order required Appellant to notify the undersigned in writing of her intent to pursue her employee dismissal appeal by close of business on Tuesday, August 9, 2022. The Order stated, "Failure to comply with this Order will result in the case being recommended for dismissal." Appellant failed to respond to the July 26, 2022, 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 15th day of August 2022.

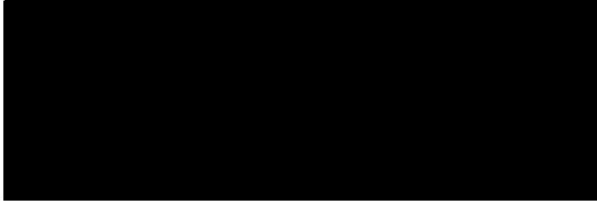


James Jerry Wood
Administrative Law Judge
State Personnel Board
64 North Union Street
Montgomery, Alabama 36130
Telephone: (334) 242-8353
Facsimile: (334) 353-9901

Copies to:

VIA EMAIL AND FIRST-CLASS U.S. MAIL:

Ora Stakely, Pro se



N. Gunter Guy, Jr., Esq.
Dept of Agriculture and Industries
1445 Federal Drive
Montgomery, AL 36107
Telephone: (334) 240-3898
E-Mail: gunter.guy@agi.alabama.gov