

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE

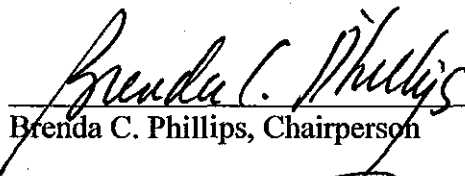
ANN R. BRESLIN)
Grievant)
v.)
DEPT. OF NATURAL RESOURCES &)
ENVIRONMENTAL CONTROL)
STATE OF DELAWARE, Agency)
ORDER)

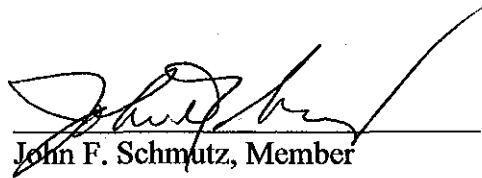
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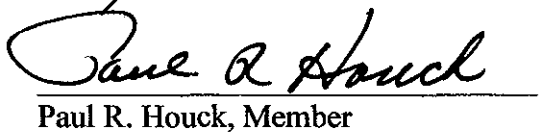
BEFORE Brenda C. Phillips, Chairperson, John F. Schmutz, John W. Pitts, Paul R. Houck and Dallas Green, Members, constituting a quorum of the Merit Employee Relations Board pursuant to 29 Del. C. Section 5908(a).

AND NOW, this 16th day of December, 2004, it appears to the Board that the Grievant, Ann R. Breslin, wishes to withdraw her appeal to the MERB so that she may pursue another course of action, as noted in the attached letter from Ms. Breslin's attorney, Roy S. Shiels. It is further noted that the Department of Natural Resources and Environmental Control, through their representative, Deputy Attorney General Valerie S. Csizmadia, does not object to the withdrawal of this grievance.

IT IS ORDERED that this grievance is withdrawn and this docket is closed.


Brenda C. Phillips, Chairperson


John F. Schmutz, Member


Paul R. Houck, Member

Original: File
Copies: Grievant
Agency
Agency's Representative
State Personnel Office (3 copies)

DATE MAILED Jan. 7, 2005

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August 23, 2004

Ms. Jean Lee Turner, Administrator
Merit Employee Relations Board
Margaret O'Neill Building, Second Floor
410 Federal Street
Dover, Delaware 19901

Re: Breslin v DNREC
MERB Docket No. 03-02-286

Dear Ms. Turner,

The grievant in the above matter, presently scheduled for a hearing on August 25, 2004 has decided to concentrate her energies on the finding of probable cause issued by the Delaware Department of Labor. Accordingly, I am instructed to withdraw the above grievance, making the scheduled hearing unnecessary.

Therefore, please remove the above matter from your dockets. It is unfortunate, but true that both the available remedies (counsel fees, interest, punitive damages, etc.) in the alternative action are far superior, as are the discovery procedures. Nor do the Merit Rule System limitations have the same significance.

Trusting that this letter, sent by fax and by hard copy, resolves this matter in this forum, I am

Very truly yours,
BROWN, SHIELS, BEAUREGARD & CHASANOV


ROY S. SHIELS

RSS\bs

Cc: Valerie S. Csizmadia, Esquire