

**BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE**

CARMEN BOGGS-BASKERVILLE,)	
)	
Employee/Grievant,)	
)	DOCKET No. 14-11-614
v.)	
)	
DEPARTMENT OF SERVICES FOR)	ORDER OF DISMISSAL
CHILDREN, YOUTH AND THEIR FAMILIES/)	
DIVISION OF YOUTH REHABILITATIVE)	
SERVICES,)	
)	
Employer/Respondent.)	

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board (the Board) at 9:00 a.m. on March 19, 2015 at the Delaware Public Service Commission Hearing Room, Cannon Building, 861 Silver Lake Boulevard, Suite 100, Dover, DE 19904.

BEFORE Martha K. Austin, Chair, John F. Schmutz, Paul R. Houck, Victoria D. Cairns, and Jacqueline D. Jenkins, a quorum of the Board pursuant to 29 *Del. C.* §5908(a).

APPEARANCES

Rae Mims
Deputy Attorney General
Legal Counsel to the Board

Deborah L. Murray-Sheppard
Board Administrator

Gary W. Aber, Esq.
on behalf of the employee/grievant
Carmen Boggs-Baskerville

Kevin Slattery
Deputy Attorney General
on behalf of Department of Children, Youth
and their Families, Division of Youth
Rehabilitative Services

PROCEDURAL BACKGROUND

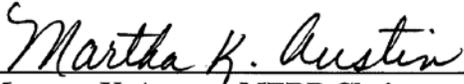
On or about November 7, 2014, the employee/grievant, Carmen Boggs-Baskerville (Boggs-Baskerville) filed a direct of appeal to this Board of her October 17, 2014 dismissal by the Department of Services for Children, Youth and Their Families (DSCYF), Division of Youth Rehabilitative Services (DYRS).

On or about December 8, 2014, DSCYF filed a Motion to Dismiss the appeal, asserting the Board lacks jurisdiction to consider the matter because Boggs-Baskerville held a bargaining unit position; consequently, any appeal of discipline (including dismissal) must be processed through the negotiated grievance procedure.

Prior to the presentation of legal argument by the DSCYF on its motion to dismiss, counsel for Boggs-Baskerville stated she did not oppose the motion to dismiss.

DECISION AND ORDER

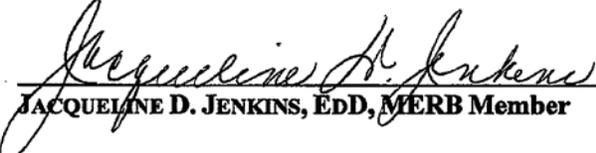
It is this 24th day of March 2015, by a unanimous vote of 5-0, the Decision and Order of the Board to dismiss Boggs-Baskerville's appeal of her termination, with prejudice.



MARTHA K. AUSTIN, MERB Chairwoman



JOHN F. SCHMUTZ, MERB Member



JACQUELINE D. JENKINS, EDD, MERB Member



PAUL R. HOUCK, MERB Member



VICTORIA D. CAIRNS, MERB Member