

IN THE SUPREME COURT OF THE STATE OF DELAWARE

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|---------------------------|------------------------------|
| TUESDAY S. BANNER, | § |
| | § No. 449, 2017 |
| Appellant Below, | § |
| Appellant/Cross-Appellee, | § Court Below—Superior Court |
| | § of the State of Delaware |
| v. | § |
| | § C.A. Nos. N16A-07-009, |
| DELAWARE DEPARTMENT OF | § N14A-03-001 |
| HEALTH SOCIAL SERVICES, | § |
| DIVISION FOR THE VISUALLY | § |
| IMPAIRED, | § |
| | § |
| Appellee Below, | § |
| Appellee/Cross-Appellant, | § |
| | § |
| and the | § |
| | § |
| MERIT EMPLOYEE RELATIONS | § |
| BOARD, | § |
| | § |
| Appellee Below, | § |
| Appellee. | § |

Submitted: May 11, 2018

Decided: July [], 2018

Before **VAUGHN, SEITZ,** and **TRAYNOR,** Justices.

ORDER

This 18th day of July 2018, after careful consideration of the parties' briefs and the record on appeal, we conclude that the judgment below should be affirmed on the basis of, and for the reasons stated in, the Superior Court's well-reasoned decision dated September 29, 2017. Although we question the Superior Court's

interpretation, in its September 28, 2015 decision reversing and remanding the decision of the Merit Employee Relations Board, of 29 *Del. C.* § 10122 to require twenty-days advance notice of a change in the start time of a previously noticed hearing due to weather conditions, we conclude that the cross-appeal is moot in light of our affirmance of the Superior Court's September 29, 2017 decision.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice