

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

<b>DR. DENISE PURNELL-CUFF,</b>	)	
	)	
Employee/Grievant,	)	
	)	
v.	)	<b><u>DOCKET No. 21-03-801</u></b>
	)	
<b>DEPARTMENT OF SERVICES FOR CHILDREN, YOUTH AND THEIR FAMILIES, DIVISION OF MANAGEMENT SUPPORT SERVICES,</b>	)	<b>DENIAL OF PRELIMINARY MOTION TO DISMISS</b>
	)	
Employer/Respondent.	)	

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board (the Board) at 9:20 a.m. on November 18, 2021, at the Delaware Public Service Commission, Silver Lake Plaza, Cannon Bldg., Suite 100, 861 Silver Lake Boulevard, Dover, DE 19904. The Board provided a teleconference line for participation.

**BEFORE** W. Michael Tupman, Chair; Paul R. Houck, Jacqueline Jenkins, Ed.D., (*via teleconference*) and Sheldon N. Sandler, Esq., Members, a quorum of the Board under 29 *Del. C.* §5908(a).

**APPEARANCES**

Ilona Kirshon (*via teleconference*)  
Deputy Attorney General  
Legal Counsel to the Board

Deborah L. Murray-Sheppard  
Board Administrator

Christopher Isaac, Esq.  
Offit Kurman  
on behalf of the Grievant

Victoria Sweeney (*via teleconference*)  
Deputy Attorney General  
on behalf of the Department of  
Services for Children, Youth and  
Their Families

The Merit Employee Relations Board (“Board”) convened on November 18, 2021 for the limited purpose of considering the preliminary Motion to Dismiss filed by the Department of Services for Children, Youth and Their Families, Division of Management Support Services (“Agency”) on October 29, 2021. The Grievant opposed the Agency’s Motion by written submission on November 9, 2021.

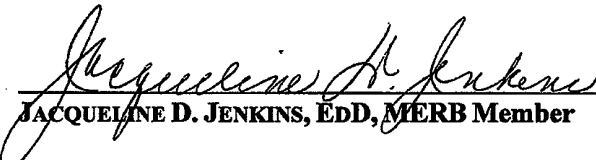
After reviewing the submissions of the parties and considering the argument presented by counsel at the hearing, the Board concluded the record was insufficient to grant the motion to dismiss.

**DECISION**

It is this **30<sup>th</sup>** day of **November, 2021**, by a vote of 4-0, the Decision of the Board to deny the Agency’s preliminary Motion to Dismiss, without prejudice to renew the motion after an evidentiary hearing. The grievance shall be scheduled for a hearing.

  
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**W. MICHAEL TUPMAN, MERB CHAIR**

  
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**PAUL R. HOUCK, MERB Member**

  
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**JACQUELINE D. JENKINS, EDD, MERB Member**

  
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**SHELDON N. SANDLER, ESQ., MEMBER**