

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

YVONNE LEWIS,)	
)	
Employee/Grievant,)	DOCKET No. 23-05-876
)	
v.)	INTERIM DECISION DENYING
)	AGENCY’S MOTION TO
DEPARTMENT OF HEALTH AND SOCIAL)	DISMISS
SERVICES, DIVISION OF PUBLIC HEALTH,)	
)	
Employer/Respondent.)	

After due notice of time and place, this matter came to a hearing before the Merit Employee Relations Board (the “Board”) at 8:58 a.m. on March 6, 2024 in the Delaware Professional Regulation Hearing Room, Silver Lake Plaza, Cannon Bldg., 2nd Floor, 861 Silver Lake Boulevard, Dover, DE 19904. The hearing was open to the public.

BEFORE Jennifer Cohan, Chairperson; Sheldon N. Sandler, Esq., Joseph A. Pika, III, PhD, and Lester E. Johnson, Jr., Members; a quorum of the Board under 29 *Del. C.* §5908(a).

APPEARANCES

Victoria R. Sweeney
Deputy Attorney General
Legal Counsel to the Board

Deborah L. Murray-Sheppard
Board Administrator

Yvonne Lewis
Pro Se Grievant

Gregory E. Smith
Deputy Attorney General
Counsel to the Agency

PROCEDURAL BACKGROUND

The Board convened on March 6, 2024 for the limited purpose of considering the preliminary Motion to Dismiss filed by the Department of Health and Social Services, Division of Public Health (“Agency”) on January 5, 2024. Yvonne Lewis (the “Grievant”) opposed the Agency’s Motion by written submission on February 15, 2024.

After reviewing the submissions of the parties and considering legal argument from both Parties at the hearing, the Board concluded the record was insufficient to grant the Agency’s motion to dismiss for lack of jurisdiction.

DECISION AND ORDER

It is this **8th** day of **March, 2024**, by a vote of 4-0, the Decision and Order of the Board to deny the Agency’s preliminary Motion to Dismiss, without prejudice. The Board further directs this matter be scheduled for a hearing on the merits.



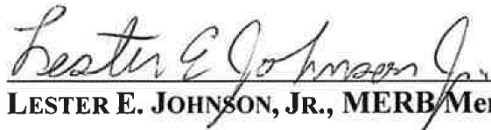
JENNIFER COHAN, MERB Chairperson



SHELDON N. SANDLER, ESQ., MEMBER



JOSEPH A. PIKA, III, PH.D., MEMBER



LESTER E. JOHNSON, JR., MERB Member