

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

ERIC HILLER,)	
)	
Employee/Grievant,)	
)	
v.)	DOCKET NO. 24-08-933
)	
DEPARTMENT OF LABOR,)	DECISION ON MOTION TO QUASH
DIVISION OF UNEMPLOYMENT INSURANCE,)	
)	
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 Wednesday, August 6, 2025, at the Delaware Public Service Commission Hearing Room, Cannon Building, Suite 100, 861 Silver Lake Blvd., Dover, Delaware 19904.

BEFORE Jennifer Cohan, Chair; Lester Johnson, Jr., and Sheldon N. Sandler, Esq., Members; a quorum of the Board under 29 *Del. C.* §5908(a).

APPEARANCES

Jennifer Singh, Esq.
Legal Counsel to the Board

Deborah L. Murray-Sheppard
Board Administrator

Eric Hiller
Pro Se

David deBruin, Esq.
Deputy Attorney General
on behalf of the Department of
Labor

NATURE OF THE PROCEEDINGS

On July 7, 2025, Eric Hiller (“Grievant”) filed a “Motion for Production of Documents” with the Board. Treating Mr. Hiller’s Motion as a request for the issuance of a subpoena duces tecum, the Board issued said subpoena on that same date directly mirroring Mr. Hiller’s request.

On July 15, 2025, the Department of Labor (“Agency”) filed a Motion to Quash the Grievant’s subpoena duces tecum in whole as overly broad, unduly burdensome, and not reasonably calculated to lead to the discovery of relevant evidence. Mr. Hiller filed a written response to the Motion to Quash on July 16, 2025.

The Board heard argument on the Motion to Quash on August 6, 2025, and after deliberating, voted to grant the Agency’s motion in part and deny it in part.

BRIEF SUMMARY OF THE EVIDENCE

Included within the record before the Board were Mr. Hiller’s July 7, 2025 Motion for Production of Documents; the July 7, 2025 subpoena duces tecum; the Agency’s July 15, 2025 Motion to Quash; the Grievant’s July 16, 2025 response thereto; the Grievant’s August 18, 2024 dual appeal of his termination under Merit Rule (“MR”) 12.9¹; a July 17, 2025 letter from the Board’s Executive Director to the parties setting forth the limited scope of the hearing; and the August 6, 2025 notice of hearing.

¹ **Merit Rule 12.9** Employees who have been dismissed, demoted or suspended may file an appeal directly with the DHR Secretary or the MERB within 30 days of such action. Alternatively, such employees may simultaneously file directly with the DHR Secretary, who must hear the appeal within 30 days. If the employee is not satisfied with the outcome at the DHR Secretary’s level, then the appeal shall continue at the MERB.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

On August 9, 2024, Grievant was terminated from his employment by the Agency for repeatedly failing to report to his assigned duty site or failing to report to work. Mr. Hiller appealed his termination on August 18, 2024 by filing a dual appeal to the Department of Human Resources and the Board under Merit Rule 12.9. Following the denial of Mr. Hiller's grievance by DHR, he filed an "Appeal to MERB" on May 5, 2025, challenging the merits of the April 15, 2025 DHR decision.² The hearing before MERB was scheduled for August 6, 2025 on June 4, 2025, and the parties were directed to provide proposed exhibits and witness lists on or before July 16, 2025.

On July 7, 2025, Mr. Hiller requested the production of numerous documents enumerated in Paragraphs #1 - #15, in a document he submitted as a "Motion for Production." In accordance therewith, the Board issued a subpoena duces tecum to the Agency on July 7, 2025. The Agency objected to the subpoena in its entirety, so the scheduled August 6, 2025 hearing was repurposed for the Board's consideration of the Agency's motion.

During the time of the hearing, the Agency noted that it repeatedly advised Mr. Hiller that he was free to review his entire personnel file at the Agency, but to date, he had not availed himself of that opportunity. The Agency further conceded that to the extent such documents exist, it would produce the documents set forth in Paragraphs #1 - #7, and #9 - #11.

Mr. Hiller narrowed his request in Paragraph #8 to any emails within Deputy Attorney General deBruin's emails and DHR specialist Tristan Press' emails which contain the terms "Eric Hiller" or "Eric W. Hiller" or "Hiller" or "eric.hiller" or "eric.hiller@delaware.gov" or "24-00664" or "192779" or "ehiller," excluding Mr. Hiller's state email address (eric.hiller@delaware.gov).

² Insofar as this appeal pertained to the underlying Step Three process and the merits of the case, this appeal was not included in the record before the Board for the narrow purpose of the Motion to Quash. Mr. Hiller noted his objection to its exclusion on the record.

The Board found that the other documents requested in Paragraph #8 do not need to be produced, as they are unduly burdensome and not reasonably calculated to lead to the discovery of relevant evidence.

The Board also found that requests in Paragraphs #12 - #15 should be quashed because they pertain to the Step 3 hearing officer and other DHR matters unrelated to the *de novo* hearing before the MERB.

Finally, Mr. Hiller requested that Mr. deBruin be removed from the case; this request was denied.

ORDER

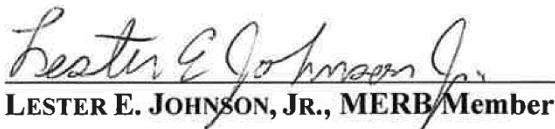
It is this **8th** day of **August 2025**, by a unanimous vote of 3-0, the Decision and Order of the Board to deny, in part, and grant, in part, the Motion to Quash as described above. The Agency must produce the permitted documents within two weeks of this Order.



JENNIFER COHAN, MERB Chairperson



SHELDON N. SANDLER, ESQ., MEMBER



LESTER E. JOHNSON, JR., MERB Member