

BEFORE THE MERIT EMPLOYEE RELATIONS BOARD
OF THE STATE OF DELAWARE

ERIC HILLER,

Employee/Grievant,

v.

**DEPARTMENT OF LABOR,
DIVISION OF UNEMPLOYMENT INSURANCE,**

Employer/Respondent.

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DOCKET NO. 24-08-933

**DECISION ON GRIEVANT’S
MOTIONS**

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, November 19, 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

This decision follows the Board's August 8, 2025 Decision¹ on the Agency's Motion to Quash the Grievant's request for a subpoena duces tecum. The Board directed the Department of Labor ("Agency") to provide documents in response to paragraphs 1-7, 9-11 and 8 to the extent the requested emails existed. The Agency replied to the *Subpoena duces tecum* by email dated August 21, 2025, which included 33 documents.

Thereafter, on or about September 8, 2025, the Grievant, Eric Hiller, filed a Motion requesting enforcement of the Board's August 8, 2025 Order. The Grievant subsequently filed a second motion on September 11, which he entitled "Motion for Full and Fair Opportunity: Petition to Government So Empowered". The Agency provided its responses, objecting to both motions on September 24, 2025.

The Grievant filed a third motion objecting to the Board's effort to expedite the processing of his grievance by repurposing the October 1 hearing for the limited purpose of considering the Grievant's motions. In response, the hearing was rescheduled and conducted on November 19, 2025.

BRIEF SUMMARY OF THE EVIDENCE

Prior to the November 19, 2025 hearing, the Board reviewed its August 8, 2025 decision; the Agency's email cover to the documents it provided to the Grievant on August 21, 2025²; the Grievant's motions and the Agency's responses thereto. The documents reviewed by the Board also included correspondence with the parties, which included the Grievant's May 5, 2025 request for review of the Step 3 decision on his grievance.

¹ Eric Hiller v. Dept. of Labor, Division of Unemployment Insurance, Docket 24-08-933 (MERB, August 8, 2025). [Hiller v. DOL/UI, 24-08-933](#)

² The Board did not review the documents provided by the Agency as they are not yet part of the record.

DISCUSSION

The Grievant objected to the failure of the Agency to provide him with a complete copy of his personnel file, as defined in DHR Policy 602.1, including:

- a. Personnel File (blue) Section 3
- b. Personnel File (blue) Section 4
- c. Personnel File (blue) Section 5
- d. Personnel File (blue) Section 6
- e. Administrative File (yellow)
- f. Medical -Confidential Non-HIPAA File (purple), specifically all “sick Leave requests or justifications”.
- g. Grievance (ELR) File (green), specifically complaints, grievances and Investigation Documentation.

At the conclusion of the hearing the Board issued the following order:

ORDER

It is this **19th** day of **November 2025**, by a unanimous vote of 3-0, the Order of the Board to direct the Agency, through its counsel, to obtain the Grievant’s personnel file and make it available to him. The Grievant is directed to make an appointment to review his personnel file and confirm the date and time of the appointment to meet with the Agency’s counsel. This process is to be completed within two weeks of the issuance of this order.

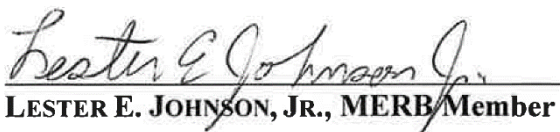
The Board did not find that the Agency’s counsel engaged in contemptuous conduct.



JENNIFER COHAN, MERB Chairperson



SHELDON N. SANDLER, ESQ., MEMBER



LESTER E. JOHNSON, JR., MERB Member