

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2019-132

TRACY ANN JONES

APPELLANT

VS. **FINAL ORDER
SUSTAINING HEARING OFFICER'S
FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

McCRACKEN COUNTY CLERK'S OFFICE

APPELLEE

*** **

The Board, at its regular August 2019 meeting, having considered the record, including the Recommended Order of the Hearing Officer dated June 28, 2019, and being duly advised,

IT IS HEREBY ORDERED that the Recommended Order of the Hearing Officer is approved, adopted and incorporated herein by reference as a part of this Order, and the Appellant's appeal is therefore **DISMISSED**.

The parties shall take notice that this Order may be appealed to the Franklin Circuit Court in accordance with KRS 13B.140 and KRS 18A.100.

SO ORDERED this 14th day of August, 2019.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK, SECRETARY

A copy hereof this day sent to:

Julie Griggs, McCracken County Clerk
Ms. Tracy A. Jones

COMMONWEALTH OF KENTUCKY
PERSONNEL BOARD
APPEAL NO. 2019-132

TRACY ANN JONES

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V. RECOMMENDED ORDER

McCRACKEN COUNTY CLERK'S OFFICE

APPELLEE

** **

This appeal was filed with the Personnel Board on May 28, 2019. After having reviewed the appeal and seeing that the Appellant, Tracy Ann Jones, is appealing from a dismissal by the McCracken County Clerk's Office. Noting that the Personnel Board does not have jurisdiction over the McCracken County Clerk's Office, and the Hearing Officer being duly advised,

IT IS HEREBY RECOMMENDED that the appeal of **TRACY ANN JONES VS. MCCRACKEN COUNTY CLERK'S OFFICE (APPEAL NO. 2019-132)** be **DISMISSED** for lack of jurisdiction, unless within 15 calendar days from the date hereof the Appellant files with the Board a statement which establishes the reason the Board has jurisdiction over this appeal. Because the Board lacks jurisdiction in this matter, the provisions of KRS 413.270 may apply. Headen v. Commonwealth, 87 S.W.3d 250 (Ky. App. 2002).

NOTICE OF EXCEPTION AND APPEAL RIGHTS

Pursuant to KRS 13B.110(4), each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file exceptions to the Recommended Order with the Personnel Board. In addition, the Kentucky Personnel Board allows each party to file a response to any exceptions that are filed by the other party within five (5) days of the date on which the exceptions are filed with the Kentucky Personnel Board. 101 KAR 1:365, Section 8(1). Failure to file exceptions will result in preclusion of judicial review of those issues not specifically excepted to. On appeal a circuit court will consider only the issues a party raised in written exceptions. *See Rapier v. Philpot*, 130 S.W.3d 560 (Ky. 2004).

[Hearing Officer Note: Any document filed with the Personnel Board shall also be served on the opposing party.]

The Personnel Board also provides that each party shall have fifteen (15) days from the date this Recommended Order is mailed within which to file a Request for Oral Argument with the Personnel Board. 101 KAR 1:365, Section 8(2).

Each party has thirty (30) days after the date the Personnel Board issues a Final Order in which to appeal to the Franklin Circuit Court pursuant to KRS 13B.140 and KRS 18A.100.

ISSUED at the direction of **Hearing Officer Mark A. Sipek** this 28th day of June, 2019.

KENTUCKY PERSONNEL BOARD



MARK A. SIPEK
EXECUTIVE DIRECTOR

A copy hereof this day mailed to:

Hon. Julie Griggs, McCracken County Clerk
Ms. Tracy Ann Jones