



State of New Hampshire  
PUBLIC EMPLOYEE LABOR RELATIONS BOARD

Classified Employee Petitioners of the  
New Hampshire Office of Information Technology

Petitioner

v.

State of New Hampshire

Respondent

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Case No. S-0411-1

Decision No. 2006-218  
*(Corrected Decision No.)*

APPEARANCES

Representing the Petitioner

Dane E. Prescott, IT Manager IV

Representing the State of New Hampshire

Michael K. Brown, Esq., Senior Assistant Attorney General

DECISION ON STATE'S MOTION TO DISMISS

The Board has considered the parties' arguments and offers of proof both in support and opposition of the State of New Hampshire's Motion to Dismiss presented on November 14, 2006. On the basis of the parties' respective offers of proof presented at that time, and considering those offers in a light most favorable to the Complainant, it finds that there are material issues in dispute upon which testimonial and documentary evidence must be presented in light of the allegation of fraud by the Complainant.

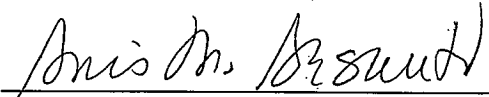
The Board denies the State's Motion to Dismiss, to which the SEA, SEIU joined, without prejudice, at this time as it believes evidence must be presented by the parties to allow it to

determine the timeliness of the filing of the original complaint and determination of the time of the triggering event that would initiate the period of limitation on actions.

The parties are to proceed before the Board on November 29, 2006 incorporating into their presentation evidence supporting their respective positions on issues of procedure and merit.

So ordered.

This 29th day of November, 2006

  
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Doris M. Desautel, Alternate Chairperson

By unanimous decision. Doris M. Desautel presiding. Members Terri Jones and James M. O'Mara, Jr. present and voting.

Distribution:

Dane E. Prescott, IT Manager IV  
Michael K. Brown, Esq.  
John S. Krupski, Esq.