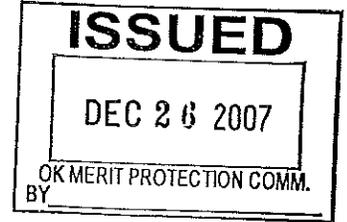


OKLAHOMA MERIT PROTECTION COMMISSION

STATE OF OKLAHOMA



TINA A. MARTIN,)
 APPELLANT,)
))
v.))
))
DEPARTMENT OF CORRECTIONS,)
 APPELLEE.)

CASE NO. MPC-08-065

DISMISSAL

Appellant filed this Appeal on November 1, 2007 and thereafter appeared at the mediation conference which did not resolve the issue. The Prehearing was set for December 21, 2007 and notice was sent in a timely manner to Appellants' address of record.

On Wednesday, December 19th, less than three (3) days before the scheduled Prehearing, Appellees' attorney, Gary Elliott, received a telephone call from Jeff Belote, an attorney in McAlester, Oklahoma. Mr. Belote informed Mr. Elliott that he had just been retained by Appellant and would be requesting a continuance of the Prehearing scheduled for Friday, December 21st. Mr. Elliott stated he had no objection to a continuance.

On Friday, December 21st, the undersigned and Mr. Elliott appeared at the Merit Protection Commission offices in Oklahoma City for the scheduled Prehearing. Mr. Elliott had received a fax from Mr. Belote at 4:08 PM, Thursday, December 20th, of a Motion for Continuance which Mr. Belote had addressed to the MPC but not filed with MPC. Mr. Elliott attempted to contact Mr. Belote regarding the fax but was unsuccessful.

As of December 21, at the time of the scheduled Prehearing, the Merit Protection

Commission staff had received no entry of appearance, Motion for Continuance, or any other communication from Mr. Belote or the Appellant.

The undersigned reviewed the record and confirmed that Appellant filed her appeal with MPC on November 1, 2007, confirmed that the Prehearing notice was sent in a timely manner to Appellants' address of record and confirmed that there was no communication from Appellant or Appellants' attorney received by MPC. Thereafter, Appellee requested dismissal of this matter.

Accordingly, the appeal of Tina A. Martin v. Department of Corrections, MPC-08-065 is hereby **DISMISSED**.

Dated this 26 day of December, 2007.



P. Kay Floyd, OBA #10300
Administrative Law Judge
3545 N.W. 58th Street, Suite 360
Oklahoma City, OK 73112
(405) 525-9144