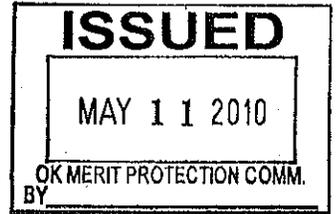


**BEFORE THE OKLAHOMA MERIT PROTECTION COMMISSION
STATE OF OKLAHOMA**

SARAH KENNEDY,)
)
 Appellant,)
)
 v.)
)
 DEPARTMENT OF HUMAN)
 SERVICES,)
 Appellee.)

Case No. MPC 10-132



ORDER OF DISMISSAL

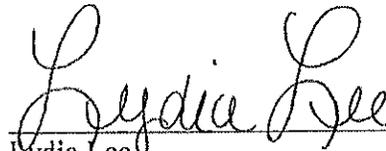
This matter comes on for Prehearing Conference on the 26th day of April, 2010. The Appellant, Sarah Kennedy and her non-attorney representative, Jill Kinney appear not. The Appellee, Department of Human Services, appears by and through counsel, Richard Resetaritz. After careful consideration of the record, including all relevant arguments and authority, the undersigned Administrative Law Judge makes the following findings and conclusions and issues the following order:

1. The Prehearing Conference was initially scheduled for 10:00 am on January 15, 2010. The matter was continued and the Prehearing Conference was rescheduled for 2:00 pm on April 26, 2010. Proper notice of the Prehearing Conference was made through the Order of the Executive Director issued on March 18, 2010 through the electronic filing system.
2. On April 26, 2010, the undersigned and the counsel for the Appellee appeared and waited over a half an hour for the Appellant and/or her representative to appear. MPC staff attempted to telephone Ms. Kennedy and Ms. Kinney but were told Ms. Kennedy was in training for the day and that her representative, Ms Kinney, was out of the office.
3. At 2:30 pm, the undersigned went on the record to conduct the Prehearing Conference. The record contained findings that the Appellant failed to appear and that attempts had been made to contact both the Appellant and her representative.

4. Counsel for the Appellee made an oral motion to dismiss the appeal which was sustained. A Prehearing Conference Order was entered showing that the Appellant failed to appear and that as a result, the appeal was being dismissed.
5. In the two weeks since that prehearing conference, neither the Appellant nor her representative have provided any information or cause for their failure to appear.
6. OAC 455:10-3-13 provides that a petition for appeal may be dismissed if the appellant fails to appear for a scheduled meeting. OAC 455:10-9-1 specifically provides that failure to appear at the prehearing conference may result in a dismissal of the appeal unless good cause is shown.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the appeal of Sarah Kennedy v. Department of Human Services, MPC 10-132 is hereby DISMISSED.

It is so ORDERED this 10th day of May, 2010.


Lydia Lee
Administrative Law Judge