

\*\*\*\*\*

LAWRENCE MILLER, \*

Appellant, \*

v. \*

LESTER VOIGT, Secretary, \*

Department of Natural Resources, \*

Respondent. \*

Case Nos. 73-44 and 73-147 \*

\*\*\*\*\*

**OFFICIAL**

DECISION  
AND  
ORDER

Before: JULIAN, Chairperson, SERPE, STEININGER, and WILSON, Board Members.

DECISION

The parties entered into a stipulation on October 24, 1973, "as a full and final settlement of the matters here in dispute," contingent upon the terms of the stipulation being "faithfully and fully carried out." On the same date we entered an interlocutory order requiring the implementation of the terms of the stipulation and providing that if the order were complied with by June 30, 1974, the appeal would be dismissed with prejudice.

The Appellant argues that the Respondent failed to comply with the stipulation in a number of respects. The parties have set forth their positions in correspondence to the Board, and we find that there are no disputes with regard to the following material facts.

The Appellant did not receive his back pay for the period of his suspension and his retroactive merit increase until January, 1974. Neither the order nor the stipulation provides a date certain or other time schedule for these payments separate from the provision that the appeal would be dismissed if there were compliance with the terms of the stipulation and order on or before June 30, 1974. We find and conclude that the payments were made in compliance with the order and the stipulation.

The Appellant also complains that his personnel file reflects that blind copies of certain memos were sent to various individuals, and that he does not know if these other files have been purged. Neither the stipulation nor the interlocutory order requires that these other files be purged, and in any event the Respondent advises that they have in fact been purged. We find and conclude that the Respondent is in compliance with the stipulation and the order in this and in all other respects.

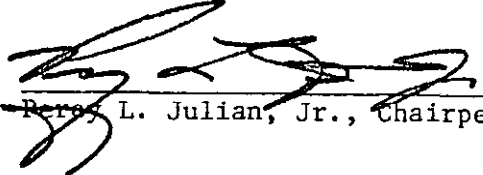
Page 2  
Miller v. Voigt - 73-44 and 73-147

ORDER

IT IS HEREBY ORDERED that these appeals be dismissed with prejudice.

Dated November 28, 1975.

STATE PERSONNEL BOARD

  
\_\_\_\_\_  
Percy L. Julian, Jr., Chairperson