



The Commission notes that at the prehearing conference held April 7, 1980, the appellant proposed the following issue for hearing:

"Should the appellant have been reallocated to Typist, or Program Assistant 1, 2, or 3, or Secretary 1 or 2, effective 8/26/79."

It is not argued that the appellant did not properly perfect her appeal of the original reallocation. In the Commission's opinion, it does not follow that the appellant's failure to appeal a subsequent, apparently unilateral, reallocation would have the effect of somehow estopping her from pursuing her original appeal with respect to Secretary 1 or 2 or Program Assistant 2 or 3.<sup>1</sup>

The respondent's argument that the appeal is moot apparently is premised on the theory that since the appellant indicated on a form solicited by the Commission that the "relief sought" was "reallocation to Secretary II or to the Program Assistant series," (Exhibit C), this bound the appellant to accept any level of classification in the Program Assistant series. In the Commission's opinion this approach is not in keeping with the informal nature of the administrative proceedings, and the result does not follow.

<sup>1</sup>The Commission notes that in any event there is a letter in the file from the appellant, received July 7, 1980, stating that "Based upon the attached (notice of reallocation to PA 1), I wish to continue my appeal on the Clerical Survey."

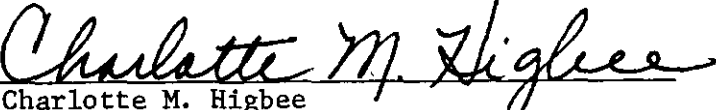
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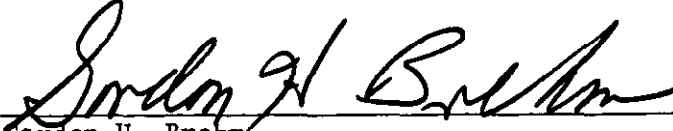
ORDER

The respondent's motion to dismiss dated September 18, 1980, and  
filed September 23, 1980, is denied.

Dated Sept. 25, 1980

STATE PERSONNEL COMMISSION

  
Charlotte M. Higbee  
Chairperson

  
Gordon H. Brehm  
Commissioner

AJT:mgd

Note: Commissioner Murphy abstained from voting on this case because  
of his employment with the University at the time the appeal was filed.