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March 2016

Tamika Redmond vs. Board of Appeals

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State of Tennessee
Department of State
Administrative Procedures Division
312 Rosa L. Parks Avenue
8th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243-1102
Phone: (615) 741-7008/Fax: (615) 741-4472

March 18, 2016

Teresa S. Thomas, Esq.
Senior Counsel
Tennessee Department of Correction, Legal
6th Floor, Rachel Jackson Building
320 Sixth Avenue North
Nashville, Tennessee 37243

Susan O'Bryan, Paralegal
Employee Rights
TN State Employees' Association
627 Woodland Street
Nashville, TN 37206-4291

Tamika Redmond
1019 - 43rd Avenue North, Apt. #C
Nashville, TN 37209

RE: In the Matter of: Tamika Redmond

Docket No. 60.05-134510A

Enclosed is an order rendered in the above-styled cause of action.

Administrative Procedures Division
Tennessee Department of State

/aem
Enclosure

cc: Vicki L. Milam
Board of Appeals Administrator, TN Department of Human Resources

**BEFORE THE BOARD OF APPEALS
OF THE STATE OF TENNESSEE**

IN THE MATTER OF:)	
)	
TENNESSEE DEPARTMENT OF CORRECTION)	
)	
v.)	Docket No. 60.05-134510A
)	
TAMIKA REDMOND,)	
)	
Complainant.)	

ORDER DISMISSING STEP III APPEAL

Pursuant to the ORDER REQUIRING FILING OF SETTLEMENT AGREEMENT AND SETTING STATUS CONFERENCE (“ORDER”) entered on March 14, 2016, the parties were required to submit the proposed settlement agreement in this matter and to appear before the undersigned Administrative Judge to address the parties’ agreement at a Status Conference which was set for **Friday, March 18, 2016 at 10:00 a.m.** Central Daylight Time in the 8th Floor Conference Room, Tennessee Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee. The Tennessee Department of Correction (the “Department”) was instructed to file the proposed settlement agreement with the Administrative Procedures Division no later than **March 17, 2016** so that it could be considered at the Status Conference.

The Department filed a proposed Settlement Agreement with the Administrative Procedures Division on March 17, 2016 and Senior Counsel, Teresa S. Thomas, appeared on behalf of the Department at the Status Conference on March 18, 2016. The Complainant, Tamika Redmond, did not appear at the Status Conference on March 18, 2016 and did not contact the undersigned administrative judge or legal counsel for the Department regarding the settlement agreement or about not attending the Status Conference.

Rule 1360-04-01-.15(1)(a) of the “Uniform Rules of Procedure for Hearing Contested Cases before State Administrative Agencies” states,

The failure of a party to attend or participate in a prehearing conference, hearing or other stage of contested case proceedings after due notice thereof is cause for holding such party in default pursuant to T.C.A. §4-5-309.


TENN. CODE ANN. § 4-5-309(a) provides:

If a party fails to attend or participate in a pre-hearing conference, hearing or other stage of a contested case, the administrative judge . . . may hold the party in default and either adjourn the proceedings or conduct them without the participation of that party, having due regard for the interest of justice and the orderly and prompt conduct of the proceedings.

The ORDER entered on March 14, 2016 specifically stated that “**Failure of the Complainant to participate in the Status Conference shall be considered a default by the Complainant and shall result in dismissal of the Step III appeal**, pursuant to TENN. CODE ANN. § 4-5-309 and the ORDER entered in this case on November 30, 2015.”¹ During the Status Conference on March 18, 2016, the Department asked that the Complainant be held in default for failure to participate in the Status Conference and that her Step III appeal be dismissed.


Based on the foregoing, and pursuant to TENN. CODE ANN. § 4-5-309,² it is therefore, **ORDERED** that the Complainant is held in **DEFAULT** and that the Complainant’s Step III appeal is hereby be **DISMISSED**.

Entered this 18th day of March, 2016.



J. RICHARD COLLIER
ADMINISTRATIVE JUDGE
ADMINISTRATIVE PROCEDURES DIVISION
OFFICE OF THE SECRETARY OF STATE

Filed in the Administrative Procedures Division, this 18th day of March, 2016.



J. Richard Collier, Director
Administrative Procedures Division

¹ Emphasis in the original.

² TENN. CODE ANN. § 4-5-309(c) provides: “A party may petition to have a default set aside by filing a timely petition for reconsideration as provided in § 4-5-317.”