

Docket Number: 4092

JOAN CICCHIELLO

~~Joan Cicchiello, Pro Se~~
Richard J. Orloski, Esquire

VS.

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF CORRECTIONS**

~~Suzanne N. Hueston, Chief Counsel~~
Timothy A. Holmes, Assistant Counsel

October 15, 2013

Plaintiff filed Claim, filing fee and proof of mailing. Amount of Claim: UNKNOWN.

October 16, 2013

Plaintiff requested in person two Subpoena 4009.21 - to produce documents.

October 16, 2013

Board issued Acknowledgment letter and forwarded a copy of Claim to Attorney General.

October 16, 2013

Board forwarded two Subpoena 4009.21 - to produce documents dated October 16, 2013 to Plaintiff.

October 22, 2013

Attorney General filed acknowledgment of claim form. Receipt of same acknowledged October 21, 2013.

October 28, 2013

Plaintiff filed an Entry of Appearance of Richard J. Orloski, Esquire on behalf of Plaintiff.

November 13, 2013

Defendant filed preliminary objections, brief in support and proposed order.

November 14, 2013

Board forwarded a letter to Plaintiff, with copy to Defendant, advising of the rules of filing responses/briefs.

December 19, 2013

Plaintiff filed Answer to Preliminary Objections as well as New Matter.

December 20, 2013

Board forwarded letter to Defendant requesting response to New Matter.

December 30, 2013

Plaintiff filed Brief in Opposition to Preliminary Objections.

December 31, 2013

Board forwarded letter to advising Defendant of Plaintiff's delayed filing of its Brief in Opposition and therefore requests response to Plaintiff's new matter and brief within 30 days.

January 28, 2014

Defendant filed Response to New Matter as well as Brief in Response to Brief in Opposition to Preliminary Objections.

February 12, 2014

Board forwarded letter to parties requesting dates for a fact hearing as well as a copy of the collective bargaining agreement.

March 20, 2014

Defendant filed letter advising that the parties will be able to attend a fact hearing on April 11, 2014 and April 16, 2014 and Defendant attached a copy of the Collective Bargaining Agreement between the Commonwealth and the Service Employees International Union, Healthcare Pennsylvania.

March 21, 2014

Board rendered Order. Order as follows: "AND NOW, this 21st day of March, 2014, an evidentiary hearing to determine all factual issues pertinent to the Board's jurisdiction over Joan Cicchiello's claim against Commonwealth of Pennsylvania, Department of Corrections has been set for Friday, April 11, 2014. Said hearing shall be held at 200 North Third Street, Fulton Building, 6th Floor, Harrisburg, PA 17101 beginning at 9:00 a.m." Copy forwarded to Plaintiff and Defendant.

March 27, 2014

Plaintiff filed Acceptance of Service of Order dated March 21, 2014. Receipt of same acknowledged March 24, 2014.

March 27, 2014

Defendant filed Acceptance of Service of Order dated March 21, 2014. Receipt of same acknowledged March 27, 2014.

April 11, 2014

Evidentiary hearing held in Board's Courtroom No. 1, 6th Floor, Fulton Bank Building, Harrisburg, Pa.

May 2, 2014

Testimony of evidentiary hearing held April 11, 2014 filed.
LAST DAY

May 2, 2014

Board forwarded copy of testimony of hearing held April 11, 2014 to Defendant.

May 12, 2014

Defendant filed Acceptance of Service of testimony held April 11, 2014. Receipt of same acknowledged by Defendant May 8, 2014.

June 12, 2014

Plaintiff filed Proposed Findings of Fact and Conclusions of Law.

July 8, 2014

Defendant filed Findings of Fact and Conclusions of Law.

December 29, 2014

Board rendered Opinion and Order. Order as follows: **"AND NOW,** this 29th day of December, 2014, upon consideration of preliminary objections of the Department of Corrections to the Complaint filed by Joan Cicchiello, her response to the preliminary objections, and the evidence provided by the parties, **IT IS ORDERED** that the Department's First and Second Preliminary Objections based on the lack of Board jurisdiction are **SUSTAINED**. The Complaint is **DISMISSED** in its entirety with prejudice." Copy forwarded to Plaintiff, Defendant and Attorney General.

January 8, 2015

Attorney General filed Acceptance of Service of Opinion and Order dated December 29, 2014. Receipt of same acknowledged January 5, 2015.

January 26, 2015

Plaintiff filed copy of its petition for review as filed in Commonwealth Court.

March 2, 2015

Commonwealth Court filed Notice of Filing Petition for Review - 83 CD 2015.

March 19, 2015

Board forwarded complete file to Commonwealth Court.

April 16, 2015

Commonwealth Court filed an Order. Order as follows: "NOW, April 13, 2015, it appearing that petitioner has filed a brief that does not comply with the Pennsylvania Rules of Appellate Procedure because: a. the brief lacks a certificate of service as required by Pa. R.A.P. 121, 122 and b. the lettering in the brief is smaller than 14 point in the text. Pa. R.A.P. 124(a)(4). THEREFORE, it is hereby ordered: 1. Petitioner's brief is not accepted. 2. Petitioner shall file an amended brief (4 copies) that conforms to the requirements of Chapter 21 of the Pennsylvania Rules of Appellate Procedure on or before May 11, 2015, or this case will be dismissed as of course. 3. Respondent's brief shall be due, if at all, 30 days after service of petitioner's amended brief."

April 22, 2015

Plaintiff filed Petitioner's Amended Brief and Required Attachment as filed in Commonwealth Court.

April 23, 2015

Commonwealth Court filed Order of April 20, 2015. Order as follows: "AND NOW, this 20th day of April, 2015, it appearing that the Petitioner has failed to file and serve a docketing statement as required by Section 501 of the Commonwealth Court Internal Operating Procedures, 210 Pa. Code § 69.501, the Petitioner is hereby ordered to file and serve a complete docketing statement with all attachments and a certificate of service in accordance with the instructions on the docketing statement form within 14 days of this order or the above captioned matter will be dismissed as of course."

April 27, 2015

Plaintiff filed a copy of Docketing Statement, Decision of the Board of Claims, Statement of Issues and Certificate of Service as filed in Commonwealth Court.

May 4, 2015

Plaintiff filed a copy of Motion to Supplement an Amended Brief and Reproduced Record, Plaintiff's Amended Brief and Required Attachment, Plaintiff's Reproduced Record, and Supplemental Docketing Statement as filed in Commonwealth Court.

August 7, 2015

Commonwealth Court issued Opinion and Order. Order as follows: "Now, August 5, 2015, the Order of the Board of Claims, entered in the above-captioned matter is hereby **AFFIRMED**."

September 8, 2015

Plaintiff filed a copy of Petition for Allowance of Appeal as filed in Supreme Court.

September 8, 2015

Supreme Court filed Notice of Petition for Allowance of Appeal filed in Supreme Court on September 3, 2015.

March 21, 2016

Supreme Court issued Order. Order as follows: "AND NOW, this 23rd day of February, 2016, the Petition for Allowance of Appeal is **DENIED**."

April 1, 2016

File returned from Commonwealth Court.
