

PLEASE PRINT CLEARLY OR TYPE

STATE OF NORTH CAROLINA
COUNTY OF (1) _____

IN THE OFFICE OF
ADMINISTRATIVE HEARINGS

(2) _____)

(your name) PETITIONER,)

v.)

(3) _____)

RESPONDENT.)

(The State agency or board about which you are complaining))

**PETITION
FOR A
CONTESTED CASE HEARING
(N.C. Gen. Stat. § 126)**

I hereby ask for a contested case hearing as provided for by North Carolina General Statutes §§ 126-34.01, 126-34.02 and 126-35 because the Respondent has acted as follows:

(4) **MY APPEAL IS BASED ON:** (check all that apply)

* _____ discharge without just cause _____ suspension without just cause _____ demotion without just cause
_____ failure to receive priority consideration _____ other (explain) _____
_____ Whistleblower Act violation

* The following occurred due to discrimination and/or retaliation for opposition to alleged discrimination:

_____ employment _____ demotion
_____ promotion _____ reduction in force
_____ training **AND/OR** _____ termination
_____ transfer
_____ other (explain) _____

* If your appeal is based upon alleged discrimination and/or retaliation for opposition to alleged discrimination, you must specify the type of discrimination: _____ Race _____ Religion _____ Color _____ Genetic _____ National Origin
_____ Sex _____ Age _____ Disability _____ Political Affiliation

(5) Briefly state facts showing how you believe you have been harmed by the State/local agency or board:

(If more space is needed, attach additional pages)

Pay grade: _____ Months of continuous State employment: _____ Job title: _____

If applicant, I applied for: _____

(6) Date: _____ (7) Your phone number: () _____

(8) Print your full mailing address: _____
(street address/p.o. box) (city) (state) (zip)

Print your e-mail address: _____

(9) Print your name: _____ (10) Your signature: _____

You must mail or deliver a **COPY** of this Petition to the agency or board named on line (3) of this form. You should contact the agency or board to determine the name of the person to be served.

CERTIFICATE OF SERVICE

I certify that this Petition has been served on the agency or board named below by depositing a copy of it with the United States Postal Service with sufficient postage affixed **OR** by delivering it to the named agency or board:

(11) _____ (12) _____
(name of person served) (agency or board listed on line 3)

(13) _____
(address)

(14) This the _____ day of _____, 20____ (15) _____
(your signature)

When you have completed this form, you **MUST** mail or deliver the **ORIGINAL** to the Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609.

Filing a Petition for a Contested Case Hearing **does not** constitute the filing of a discrimination charge with the EEOC or the Civil Rights Division of the Office of Administrative Hearings. Should you decide to file such a charge, you should contact the Office of Administrative Hearings, Civil Rights Division or the EEOC office nearest you; EEOC offices are located in the following cities: Charlotte, Raleigh, and Greensboro.

This box for OAH use only.

<p>Amount Paid \$ _____</p> <p><input type="checkbox"/> Cash – receipt number _____</p> <p><input type="checkbox"/> Money Order <input type="checkbox"/> Certified Check <input type="checkbox"/> Attorney Trust Account</p> <p>Check number _____</p>	<p><input type="checkbox"/> Indigent (must complete form HOI)</p> <p><input type="checkbox"/> Mandated federal cause of action</p> <p>Received by: _____</p>
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INSTRUCTIONS FOR FORM H-06A (personnel)
“PETITION FOR A CONTESTED CASE” AND “CERTIFICATE OF SERVICE”

NOTICE – CONFIDENTIAL INFORMATION

No person filing a document in a contested case may include the following types of confidential "identifying information" in the document, unless expressly required by law or court order:

- | | |
|--------------------------|--|
| • social security number | • employer taxpayer identification number |
| • drivers license number | • state identification number |
| • passport number | • checking or savings account number |
| • credit card number | • debit card number |
| | • personal identification (PIN) code or password |

See N.C.G.S. 32-1.10. Please ensure that all documents submitted to OAH adhere to these guidelines to avoid the inclusion of confidential identifying personal information. N.C. Gen. Stat. § 132-1.10.

RIGHT TO REQUEST REMOVAL

Any person has a right to request the OAH's Clerk's Office remove the above-cited confidential identifying information from an image or copy of an official record placed on the OAH's internet website or OAH's case management system that is used to display public records for the OAH.

- The request for removal must be made in writing and delivered by mail, facsimile, or electronic transmission, or delivered in person to the Clerk's Office.
- The request must specify the personal information to be removed, and the document which contains such personal information to be removed. [**NOTE:** *Removal of information pursuant to such a request will result in removal of personal identifying information from an image or copy of an official record, but not from the official record itself.*]

FILL IN BLANKS:

Fill in your county of residence (1), print your name on line (2), and the name of the agency or board about which you are complaining on line (3). Check all of the items that apply in section (4). Be sure to briefly state the facts about your case on line (5). Enter the date on line (6), your telephone number on line (7), your mailing address and email address on line (8), print your name on line (9), and **sign your name on line (10).**

CERTIFICATE OF SERVICE:

You MUST serve (give, send, take) a copy of your completed petition to the **agency or board named on line (3)** and complete the “certificate of service” section of your petition, entering the name of the person to whom you served the petition on line (11). You should contact the agency or board to determine the name of the person to be served or visit the Process Agent Directory at <https://ncdoj.gov/legal-services/legal-resources/process-agent-directory/>. Print the name of the state agency involved on line (12), the address of the agency or board on line (13), the date on line (14), and **sign your name on line (15).**

Pursuant to 26 NCAC 03 .0102 (a)(3), "Service" or "Serve" of a copy of your petition on the named **state agency** means:

- (A) delivery by electronic mail with an attached file in a format that is readily accessible to the recipient;
- (B) delivery by facsimile (fax);
- (C) personal delivery;
- (D) delivery by first class United States Postal Service mail;
- (E) delivery by overnight express mail service; or
- (F) electronic service as defined in 26 NCAC 03 .0501(4).

- Service by mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in an official depository of the United States Postal Service.
- Service by overnight express mail is complete upon placing the item to be served, enclosed in a wrapper addressed to the person to be served, in the custody of an overnight express mail service.

- Service by electronic mail or fax shall be deemed to occur one hour after it is sent, provided that: (1) documents sent after 5 pm are deemed sent at 8 am the following business day; and (2) documents sent by electronic mail or fax that are not readable by the recipient are not deemed served.
- Service by electronic mail or fax is treated the same as service by mail for the purpose of adding three days to the prescribed period to respond under Rule 6(e) of the Rules of Civil Procedure as contained in G.S. 1A-1.

FILING FEE

Filing fees can be paid by either cash, certified check, money order, or checks drawn on a law firm account, and made payable to the Office of Administrative Hearings. The fee must be paid at the time the petition is filed. If your case involves a mandated federal cause of action, there is no filing fee. The filing fee is **\$125.00** for Certificate of Need cases, Environmental issues concerning Clean Water Act permitting, Clean Air Act permitting, Animal Waste Management System permitting, and permitting for water use within capacity use areas, as well as any case when the amount in controversy is \$50,000.00 or more. The filing fee is **\$20.00** for all other case types.

FILING YOUR PETITION WITH THE OFFICE OF ADMINISTRATIVE HEARINGS:

Your contested case will commence when this Office **receives and files** your completed, properly signed petition. You may FILE the petition by one of following methods:

1. Mail to the following mailing and physical address: **Office of Administrative Hearings, 1711 New Hope Church Road, Raleigh, NC 27609**
2. By fax to the OAH Clerk's Office at (984) 236-1871 from M-F 8:00 am to 5:00 pm.
3. By OAH electronic filing system (e-OAH).
4. By electronic mail with an attached file either in PDF format or document compatible with or convertible to the most recent version of Microsoft Word to: oah.clerks@oah.nc.gov. Electronic mail without attached file **WILL NOT** constitute a valid filing.