

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE VETERANS HOMES BOARD

In the Matter of the Appeal of the  
Discharge of Steven George from the  
Minnesota Veterans Home - Hastings.

FINDINGS OF FACT,  
CONCLUSIONS AND  
RECOMMENDATION

The above-entitled matter came duly on for hearing on February 21, 1996, before Administrative Law Judge Howard L. Kaibel, Jr., at the Minnesota Veterans Home in Hastings, Minnesota. The record closed at the close of the hearing on February 21, 1996.

Donald E. Notvik, Assistant Attorney General, 445 Minnesota Street, St. Paul, MN 55101, appeared on behalf of the Administrator of the Hastings Veterans Home. There was no appearance on behalf of the Respondent, Steven George, Minnesota Veterans Home - Hastings, 1200 East 18th Street, Hastings, MN 55033.

NOTICE

Notice is hereby given that, pursuant to Minn. Stat. § 14.61, the final decision of the Veterans Homes Board shall not be made until this Report has been made available to the parties to the proceeding for at least ten days, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the Board. Exceptions to this Report, if any, shall be filed with the Executive Director of the Veterans Homes Board, Richard Zierdt, 122 Veterans Service Building, 20 West 12th Street, St. Paul, MN 55155.

STATEMENT OF ISSUE

Should Respondent be involuntarily discharged from the Hastings Veterans Home because of failure to make full payment of maintenance charges?

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Notice of and Order for Hearing was served upon the Respondent by first class mail on November 8, 1995.

2. The Notice of Hearing contained the following:

SHOULD A PARTY FAIL TO APPEAR AT THE HEARING, THE ALLEGATIONS MADE IN THIS ORDER MAY BE TAKEN AS TRUE. If the allegations in this Order are taken as true, Mr. George's appeal will be denied and he will be discharged from the Home.

3. The allegations contained in the Notice of and Order for Hearing are hereby incorporated herein by reference as facts.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

CONCLUSIONS

1. That the Notice of and Order for Hearing is in all respects proper with regard to form, content, execution and filing.
2. That the Hastings Veterans Home administration has fulfilled all other relevant substantive and procedural requirements of law and rule.
3. That the Veterans Homes Board duly acquired and now has jurisdiction over this proceeding.
4. That Respondent, having made no appearance at the hearing and not requesting any continuance or other relief, is in default.
5. That pursuant to Minn. Rule 1400.6000, the allegations contained in the Notice of Hearing are hereby taken as true.
6. That Respondent's discharge should be sustained, pursuant to Minn. Rule 9050.0220, subp. 6.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: that the Executive Director of the Veterans Homes Board issue a final order discharging Steven George from the Hastings Veterans Home.

Dated this 11th day of March 1996.

/s/

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HOWARD L. KAIBEL, JR.

Administrative Law Judge

Reported: Default

NOTICE

Pursuant to Minn. Stat. § 14.62, subd. 1, the agency is required to serve its final decision upon each party and the Administrative Law Judge by first class mail or as otherwise provided by law.

HLK