

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Robert D. Armintrout,

Appellant,

v.

Case No. 08-ABL-05-0205

Department of Mental Health,
Twin Valley Behavioral Healthcare-Columbus,

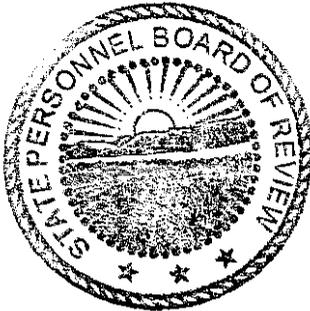
Appellee.

ORDER

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to O.A.C. § 124-1-03(B).



Lumpe - Aye
Booth - Aye
Sfalcin - Aye

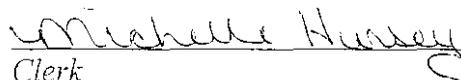


J. Richard Lumpe, *Chairman*

CERTIFICATION

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(the original)~~ a true copy of the original order or resolution of the State Personnel Board of Review as entered upon the Board's Journal, a copy of which has been forwarded to the parties this date, September 8, 2008.



Michelle Hursey
Clerk

NOTE: Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

9-8-08

**STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW**

Robert D. Armintrout,

Case No. 08-ABL-05-0205

Appellant

v.

July 24, 2008

Department of Mental Health,
Twin Valley Behavioral Healthcare-Columbus,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

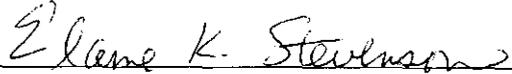
To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's May 1, 2008 filing of a notice of appeal from the abolishment of his position. In his notice of appeal, Appellant indicates that he received notice of the abolishment of his position on April 9, 2008. On June 20, 2008, this Board issued a procedural order, instructing Appellee to provide information regarding service of Appellant's notice of abolishment. On July 23, 2008, Appellee filed its response, indicating that Appellant was served with the notice of the abolishment of his position between April 9 -11, 2008.

O.A.C. 124-1-03(B) provides that:

Appeals from layoffs, abolishments, and displacements shall be in writing and shall be filed with the board, or postmarked, not more than ten calendar days after receipt of the notice of the action.

According to the information provided by the parties, Appellant received notice of the abolishment of his position on or about April 9, 2008, but not later than April 11, 2008. Pursuant to O.A.C. 124-1-03(B), Appellant's notice of appeal should have been filed with this Board or postmarked not later than April 21, 2008 to be considered timely. Appellant's notice of appeal was postmarked April 30, 2008 and filed with this Board on May 1, 2008. Therefore, since Appellant failed to timely file his notice of appeal, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to O.A.C. 124-1-03(B).


Elaine K. Stevenson
Hearing Officer

EKS:/