

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Theodore G. Borkan,

Appellant,

v.

Case No. 08-LAY-06-0401

Department of Job and Family Services,

Appellee.

ORDER

This matter came on for consideration on the notice of Appellant that the Withdrawal attached hereto be adopted. Being fully advised in the premises, the Board hereby orders that the attached withdrawal, incorporated herein by reference and made a part of the case file in this appeal, be **ADOPTED**. Accordingly, the above-referenced appeal is hereby **DISMISSED**.

Lumpe - Aye
Booth - Aye
Sfalcin - Aye



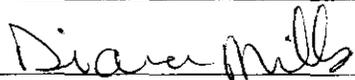


J. Richard Lumpe, *Chairman*

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, November 19, 2008.



Clerk

11/19/08

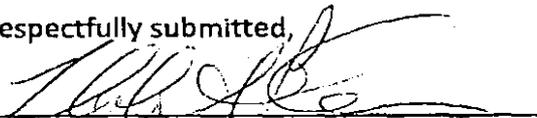
STATE PERSONNEL
BOARD OF REVIEW

2008 NOV -3 AM 9:04

TO: Ohio State Personnel
Board of Review
[Fax #614-466-6539]
FROM: Theodore G. Borkan
Re/ Case No. 08-LAY-06-0401
DATE: October 30, 2008

I write as follow-up to telephone contact with your office earlier today in which I withdrew my Appeal of my July 1, 2008, layoff from my State job. I do this for two interrelated reasons: First is that I am now re-employed outside of the State and, second, because I was informed by your office that, should I win the Appeal, my only remedy would be to have my position restored to me [and that options such as having the time from the layoff to the date of Appeal finding (or new job beginning) being paid for into PERS by the State as if I had still been employed (which would have been a desirable outcome for me) were not possible].

Respectfully submitted,



Theodore G. Borkan, PhD 10/30/08

ENTERED
11-3-08

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

Theodore G. Borkan,

Case No. 08-LAY-06-0401

Appellant

v.

October 31, 2008

Department of Job and Family Services,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's failure to appear at the October 30, 2008 prehearing scheduled for the above-captioned appeal. Appellee appeared through its legal representative Assistant Attorney General Timothy A. Lecklider.

On September 25, 2008, this Board issued a Procedural Order/Notice of Prehearing and Record Hearing, instructing Appellant to attend the prehearing scheduled for October 30, 2008 at 1:00 p.m. The September 25, 2008 Procedural Order notified Appellant that failure to appear at the prehearing would result in dismissal of the instant appeal.

O.A.C. 124-11-13(B) provides that if a party fails to comply with a procedural order, this Board may dismiss the appeal or grant other appropriate relief to the opposing party. The information contained in the record indicates that the notice of the prehearing date was mailed to the parties by regular U.S. mail on September 25, 2008. I find that no good cause has been shown for Appellant's failure to appear at the prehearing.

Based on the foregoing, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** due to Appellant's failure to appear at the October 30, 2008 prehearing, pursuant to O.A.C. 124-11-13(B).


Elaine K. Stevenson
Hearing Officer

EKS/