

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

Stephen Pesscfall,

Appellant,

v.

Case No. 09-LAY-06-0288

Department of Mental Health, Northcoast Behavioral,

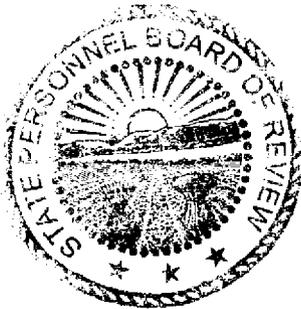
Appellee.

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** since Appellant failed to respond as Ordered by this Board to its September 3, 2009 Procedural Order and Questionnaire pursuant to O.A.C. § 124-9-05.



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

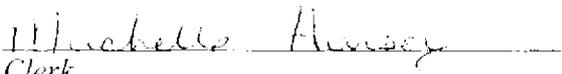


J. Richard Lumpe, *Chairman*

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, December 10, 2009.



Michelle Anusca
Clerk

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

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

Stephen Pessefall,

Case No. 09-LAY-06-0288

Appellant

v.

September 25, 2009

Department of Mental Health,
Northcoast Behavioral,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to a review of the information contained in the record. On September 3, 2009, this Board issued a Procedural Order and Questionnaire, instructing Appellant to respond to the Questionnaire on or before September 18, 2009. A copy of the Procedural Order and Questionnaire was sent by regular U.S. mail and by certified mail to Appellant; Appellant signed for receipt of the item on September 8, 2009. To date, this Board has received no response from Appellant.

Pursuant to O.A.C. 124-9-05, this Board has the authority to order evidence taken in the form of questionnaires at any time prior to hearing. O.A.C. 124-9-05(C) provides that the failure to respond to a questionnaire may result in dismissal of a case.

Therefore, because Appellant has failed to respond as ordered by this Board to its September 3, 2009, Procedural Order and Questionnaire, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**, in accordance with the provisions of O.A.C. 124-9-05.


Jeannette E. Gunn
Administrative Law Judge