

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Timothy S. Mann,

Appellant,

Case Nos. 09-ABL-07-0331
09-LAY-07-0332

v.

Department of Health,

Appellee.

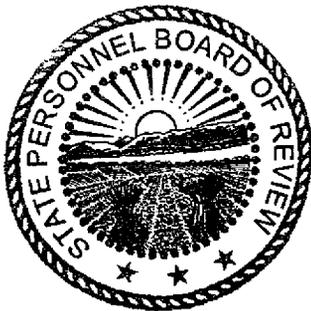
ORDER

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

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 appeals be **DISMISSED** since Appellant failed to respond as Ordered by this Board to its 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, November 19, 2009.


Michelle Hunsley
Clerk

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

11-19-09

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Timothy S. Mann,

Appellant

v.

Department of Health,

Appellee

Case Nos. 09-ABL-07-0331
09-LAY-07-0332

October 23, 2009

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 29, 2009, this Board issued a Procedural Order and Questionnaire, instructing Appellant to respond to the Questionnaire on or before October 19, 2009. A copy of the Procedural Order and Questionnaire was sent by certified mail to the parties, and also by regular mail to Appellant. Appellee filed its response on October 19, 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, and Appellant was so apprised in the Board's September 29, 2009, Procedural Order.

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



Jeannette E. Gunn
Administrative Law Judge