

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

John R. Shafer,

Appellant.

v.

Case No. 09-LAY-10-0445

Miami University,

Appellee.

ORDER

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

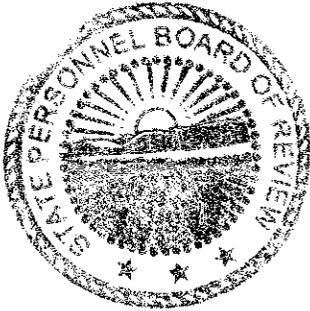
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** since Appellant failed to respond to this Board's February 4, 2010 Questionnaire and failed to respond to Appellee's February 16, 2010 Motion to Exclude.

Lumpe - Aye

Sfalcin - Aye

Tillery - Aye



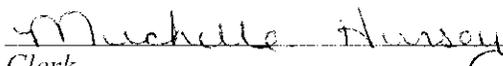


J. Richard Lumpe, *Chairman*

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, April 22, 2010.



Clerk

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

4-22-10mH

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

John R. Shafer

Case No. 09-LAY-10-0445

Appellant

v.

March 2, 2010

Miami University

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration on March 2, 2010. Appellant Shafer filed an appeal with this Board on October 9, 2009 of an alleged layoff. This Board issued a Procedural Order and Questionnaire on February 4, 2010 and ordered Appellant to respond to the questionnaire by February 25, 2010. The Procedural Order and Questionnaire were mailed to the address on file for the Appellant. On March 1, 2010, the Procedural Order and Questionnaire were returned to this Board as unclaimed.

On February 16, 2010, Appellee filed a Motion to Exclude Appellant's Witnesses and Documents. To date, no response has been filed by Appellant Shafer.

The Questionnaire that was sent to Appellant Shafer specifically stated "Failure to file this form by that date [February 25, 2010] may result in an adverse impact on your interests in this appeal, including dismissal."

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Inasmuch as Appellant Shafer failed to file the response to the Questionnaire and failed to respond to Appellee's Motion to Exclude, it appears that Appellant Shafer has failed to pursue his appeal. Therefore, it is my **RECOMMENDATION** that this appeal be **DISMISSED** and the pre-hearing and record hearings set for March 9, 2010 be **VACATED**.



Marcie M. Scholl
Administrative Law Judge

:mms