

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Mark D. Howard,

*Appellant,*

v.

Case No. 10-LAY-01-0023

Delaware County,  
Board of Commissioners,

*Appellee.*

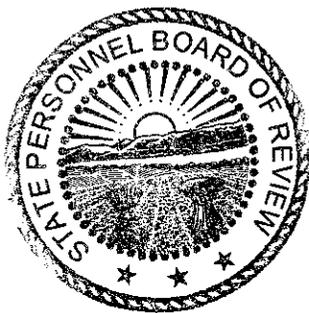
**ORDER**

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 claim and respond to this Board's Questionnaire, pursuant to O.A.C. § 124-9-05 (C).

Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

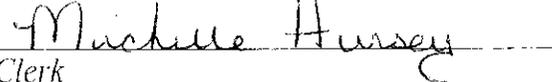


  
J. Richard Lumpe, *Chairman*

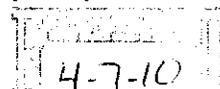
**CERTIFICATION**

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 7, 2010.

  
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**

MARK D. HOWARD,

Case No. 10-LAY-01-0023

*Appellant*

v.

March 2, 2010

DELAWARE COUNTY BOARD OF COMMISSIONERS,

*Appellee*

JAMES R. SPRAGUE  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's filing of an appeal from a layoff. On February 2, 2010, this Board issued a Procedural Order and accompanying Questionnaire *via* certified USPS Mail to Appellant. That Procedural Order instructed Appellant to respond on or before February 22, 2010 and stated that failure to timely respond would permit this Board to take whatever action is appropriate. On March 1, 2010, the USPS processed a return of this Board's aforementioned Procedural Order and Questionnaire as Unclaimed by Appellant. (See USPS "Track & Confirm" receipt contained in Appellant's case file).

O.A.C. 124-9-05 (C) permits this Board to dismiss an appeal when the party to whom it is addressed fails to respond to a Questionnaire, as in the instant case.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for Appellant's failure to claim and respond to this Board's Questionnaire, pursuant to O.A.C. 124-9-05 (C).



JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: