

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

Joyce E. Brackbill,

*Appellant,*

v.

Case No. 10-WHB-05-0135

Fairfield County,  
Board of Developmental Disabilities,

*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 May 26, 2010 Procedural Order and Questionnaire, pursuant to O.A.C. § 124-9-05.



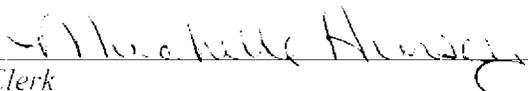
Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

  
\_\_\_\_\_  
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, July 29, 2010.

  
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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**

Joyce E. Brackbill,

Case No. 10-WHB-05-0135

*Appellant*

v.

June 15, 2010

Fairfield County Board of  
Developmental Disabilities,

Jeannette E. Gunn  
*Administrative Law Judge*

*Appellee*

**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 May 26, 2010, this Board issued a Procedural Order and Questionnaire, instructing Appellant to respond to the Questionnaire on or before June 9, 2010. A copy of the Procedural Order and Questionnaire was sent by certified mail to the parties. 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 May 26, 2010, Procedural Order.

Therefore, as Appellant has failed to respond as ordered by this Board to its May 26, 2010, 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*