

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

Larry Demarco,

*Appellant,*

v.

Case No. 11-IDS-05-0180

Department of Rehabilitation and Correction,  
Trumbull Correctional Institution,

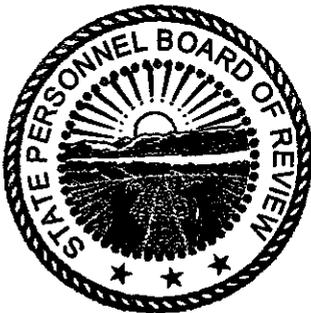
*Appellee.*

**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 appear, pursuant to O.A.C. § 124-11-19(A).



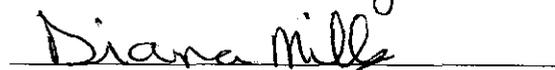
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
\_\_\_\_\_  
Terry L. Casey *Chairman*

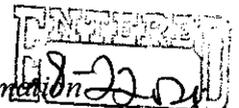
**CERTIFICATION**

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 constitutes ~~(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, August 22, 2011.

  
\_\_\_\_\_  
Diana Mills  
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**

Larry Demarco,

Case No. 11-IDS-05-0180

*Appellant*

v.

July 8, 2011

Dept of Rehab & Corr., Trumbull Corr. Institution,

Christopher R. Young

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on July 8, 2011. Appellee appeared and was represented by Philip L Judy, Assistant Attorney General. Appellant failed to appear and Appellee moved to dismiss this appeal based on the Appellant's failure to appear.

I find notice was properly served on Appellant on June 20, 2011, by regular mail, and no good cause has been shown for Appellant's failure to appear.

Further, it should be noted that the Appellee's motion to dismiss filed on July 7, 2011, appears to have merit since the Appellant is currently receiving Temporary Total Compensation from the Bureau of Workers' Compensation. Additionally, the Appellant has stated in his response to a previously issued questionnaire that he has an expected return to work date of September 9, 2011, and as such he should request reinstatement in writing to his employer pursuant to Ohio Administrative Code section 123:1-30-04, along with substantial, credible medical evidence that he is once again capable of performing his essential job duties.

Therefore, I respectfully **RECOMMEND** the Appellee's motion be **GRANTED** and the appeal be **DISMISSED**.

  
Christopher R. Young  
*Administrative Law Judge*

CRY: