

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

Marcia M. Ashby,

Appellant,

v.

Case No. 11-REM-03-0078

Stark County Board of Commissioners,

Appellee.

ORDER

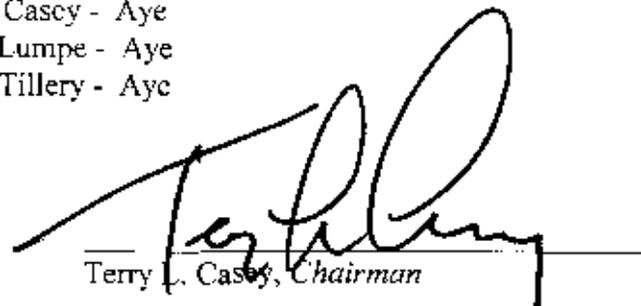
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** as untimely, pursuant to O.R.C. § 124.23 and O.A.C. § 124-1-03.

Casey - Aye
Lumpe - Aye
Tillery - Aye

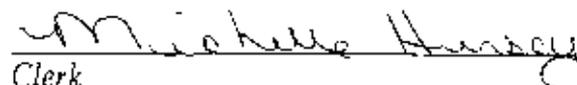



Terry L. Casey, *Chairman*

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 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, June 28, 2011.


Michelle Hunsley
Clerk

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

6-28-11mH

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

Marcia M. Ashby,

Case No. 11-REM-03-0078

Appellant

v.

May 3, 2011

Stark County Board of Commissioners,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration May 2, 2011, upon Appellant's filing of an appeal of her removal. Appellee filed a Motion to Dismiss with this Board on April 5, 2011, asserting that Appellant's appeal was not filed in a timely manner. Appellant filed no memorandum contra.

Based upon the uncontroverted evidence contained in the record, I find that Appellant received notification of her removal from employment on February 25, 2011. Appellant's appeal was filed with this Board on March 10, 2011. Ohio Revised Code Section 124.23 and Ohio Administrative Code Section 124-1-03 provide that an appeal to this Board must be filed within ten (10) calendar days following the date on which Appellant received notice of her removal.

Because Appellant did not file her appeal with this Board within the statutory ten (10) day time period, I find that the State Personnel Board of Review is without jurisdiction to hear the appeal. Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.



Jeannette E. Gunn
Administrative Law Judge