

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

William S. Maggard,

*Appellant,*

v.

Case No. 11-REM-04-0098

Preble County Board of Commissioners,

*Appellee.*

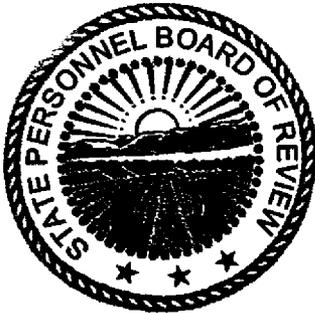
**ORDER**

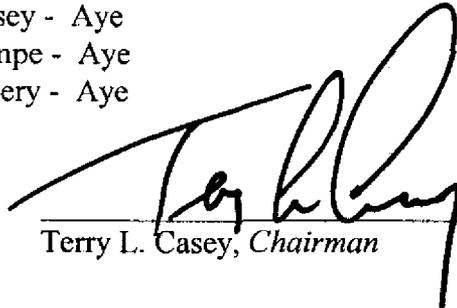
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** due to untimely filing, pursuant to O.R.C. § 124.34.

Casey - Aye  
Lumpe - Aye  
Tillery - Aye

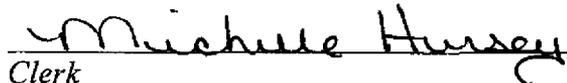


  
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Terry L. Casey, *Chairman*

**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, July 22, 2011.

  
\_\_\_\_\_  
*Clerk*

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

7.22.11mH

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

WILLIAM S. MAGGARD,

Case No. 11-REM-04-0098

*Appellant*

v.

May 12, 2011

PREBLE COUNTY BOARD OF COMMISSIONERS,

*Appellee*

JAMES R. SPRAGUE  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter comes on due to Appellant's April 8, 2011 filing of an appeal from his removal from the position of GIS Supervisor. The record reflects that Appellant received notice of his removal on February 16, 2011 and that the removal was also effective on February 16, 2011.

On April 25, 2011, Appellee filed Appellee's motion to dismiss accompanied by the required documentation. Appellant was provided with the requisite time period to file a memorandum contra to Appellee's motion to dismiss but, to date, has not done so.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within thirty (30) calendar days after Appellant received actual notice of his no-order removal, as required by O.A.C. 124-1-03 (I). It is noted that Appellee has asserted additional jurisdictional bars that we need not review at the present time.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **GRANT** Appellee's motion and **DISMISS** the instant appeal for failure to timely file, pursuant to O.A.C. 124-1-03 (I).

  
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JAMES R. SPRAGUE  
*Administrative Law Judge*