

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

STEVEN CLOSE,

Appellant,

v.

Case No. 11-REM-08-0258

DEPARTMENT OF AGRICULTURE,

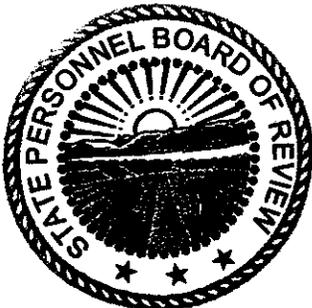
Appellee

ORDER

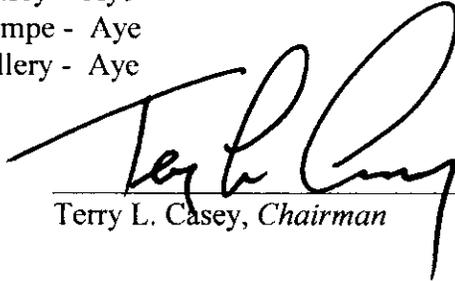
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including 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 is **DISAFFIRMED** as a result of Appellee's failure to comply with Ohio Administrative Code Section 124-3-01(A)(2).



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

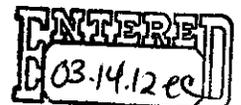
CERTIFICATION

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, March 14, 2012.


Erin E. Conn
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**

Steven Close,

Case No. 11-REM-08-0258

Appellant

v.

February 23, 2012

Department of Agriculture,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on pursuant to a review of the information contained in the record. A Procedural Order was issued by this Board on August 30, 2011, requiring Appellee to provide documentary evidence to rebut the assertion made by Appellant that the R.C. 124.34 Order effectuating Appellant's removal from employment, effective July 6, 2011, was untimely served upon Appellant.

Appellee failed to provide the Board with information to rebut Appellant's assertion. O.A.C. Section 124-3-01 provides that a "section 124.34 order" may be affirmed only if the criteria identified in that rule are met. The second criterion requires that the employee serve the employee with a copy of the order on or before the effective date. Appellant asserts, and Appellee failed to rebut, that the R.C. 124.34 Order at issue in this matter was served on Appellant two days after the effective date, on July 8, 2011.

I note that a second order of removal was served upon Appellant in September 2011, and that Appellant has timely filed an appeal of that action with this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISAFFIRMED** as a result of Appellee's failure to comply with O.A.C. 124-3-01(A)(2).


Jeannette E. Gunn
Administrative Law Judge