

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

CECIL HILL,

Appellant,

v.

Case No. 11-REM-08-0305

OHIO STATE UNIVERSITY,

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.

In this case, Appellant has alleged that improprieties and irregularities occurred concerning Appellant's interaction various individuals. These individuals included, but were not limited to, Appellant's supervisor, Appellee's Human Resources personnel, and Appellant's pre-disciplinary conference Hearing Officer. The underlying basis for Appellant's allegations appears to involve racial discrimination complaints. The record reflects that those complaints appear to have been fully pursued with the United States Equal Employment Opportunity Commission.

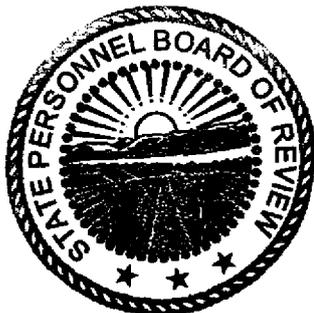
The record reflects that Appellant failed to appear on December 13, 2011 for his regularly scheduled pre-hearing and record hearing. Further, the record reflects that Appellant was actually aware of the date and respective times for the pre-hearing and record hearing. We know this because Appellant unsuccessfully attempted to obtain a continuance for same on January 8, 2011.

It is incumbent on an Appellant in a disciplinary removal to pursue his or her appeal. Appellant's failure to appear does nothing to satisfy that burden.

On December 13, 2011, this Board stood ready to fully hear Appellant's removal appeal. Further, Appellee was present on that day through its counsel and had various witnesses in attendance ready to offer testimony regarding the pertinent events of this case. If Appellant had appeared, Appellant could have, at a minimum, offered testimony on his own behalf, cross examined Appellee's witnesses, and offered his own documents into evidence. Appellant's failure to appear negated Appellant's opportunity to take part in the hearing as set forth, above. Because it was incumbent upon Appellant to appear and because, after duly receiving notice, Appellant failed to appear, this case should be dismissed.

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Wherefore, it is hereby **ORDERED** that Appellee's motion to dismiss is granted and the appeal is **DISMISSED**.



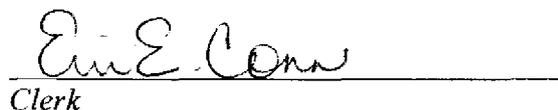
Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

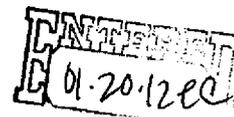
CERTIFICATION

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, January 30, 2012.


Clerk

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



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

Cecil Hill,

Case No. 11-REM-08-0305

Appellant,

v.

December 13, 2011

The Ohio State University,

Beth A. Jewell

Appellee.

Administrative Law Judge

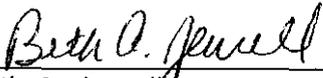
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for pre-hearing and record hearing on December 13, 2011. Appellee appeared and was represented by Mahjabeen F. Qadir and Matthew J. Karam, Assistant Ohio Attorneys General. Appellant failed to appear, and Appellee moved to dismiss this appeal pursuant to Ohio Adm. Code Rule 124-11-19(A).

I find that notice was properly served on Appellant on October 12, 2011, by regular mail, and that no good cause has been shown for Appellant's failure to appear.

I **RECOMMEND** that Appellee's motion be **GRANTED** and the appeal be **DISMISSED**.



Beth A. Jewell
Administrative Law Judge

BAJ: