

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

TRACY ARISON,

*Appellant,*

v.

Case No. 12-REM-02-0035

HURON COUNTY SHERIFF ,

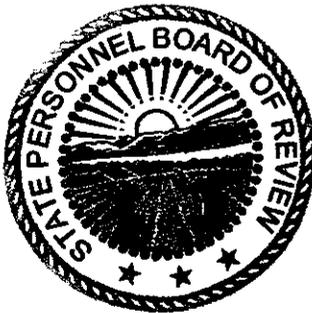
*Appellee*

**ORDER**

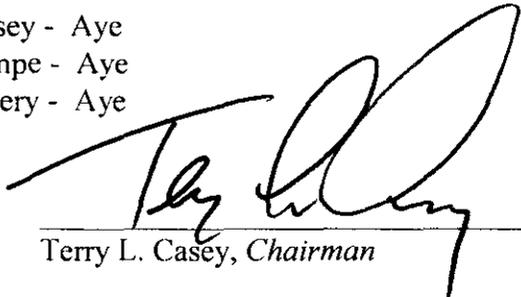
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED** due to untimely filing pursuant to Ohio Revised Code Section 124.34.



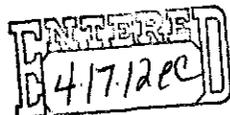
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, April 17, 2012.



  
Eric E. O'Connell  
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**

Tracy Arison

Case No. 12-REM-02-0035

*Appellant*

v.

March 19, 2012

Huron County Sheriff

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration March 19, 2012, upon Appellant's filing of an appeal of a removal.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within ten (10) calendar days following the date on which the order of removal was served on the employee, as required by Ohio Revised Code Section 124.34. In the notice of appeal, Appellant Arison states that the notice of removal was received on February 2, 2012. Ten (10) calendar days from February 2, 2012 is February 12, 2012. Since February 12, 2012 was a Sunday, the appeal time would be extended to the next business day, or February 13, 2012. Appellant Arison's appeal was not received and time stamped in the Board's offices until February 14, 2012, thereby making the appeal one day untimely.

Therefore I respectfully **RECOMMEND** that this appeal be **DISMISSED** due to untimely filing pursuant to section 124.34 of the Ohio Revised Code.

:mms

  
\_\_\_\_\_  
Marcie M. Scholl  
Administrative Law Judge