

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

ROBERT D. HAMMOND, JR.,

*Appellant,*

v.

Case No. 12-REM-06-0135

DEPARTMENT OF REHABILITATION & CORRECTION,  
LEBANON CORRECTIONAL INSTITUTION,

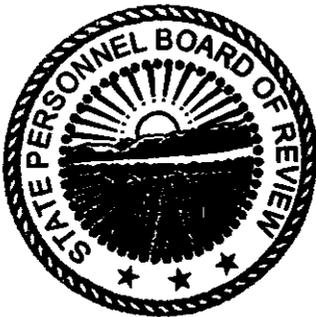
*Appellee*

**ORDER**

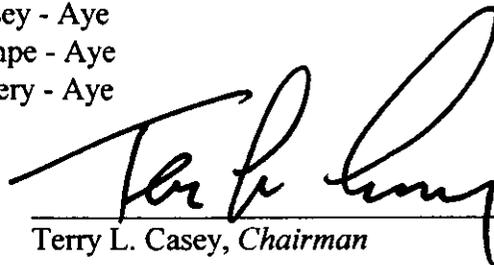
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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. However, if Appellant has evidence that he was not properly served with his R.C. 124.34 Order of Removal or was not otherwise given important information regarding his appeal rights, he may file a motion for reconsideration *as well as supporting documentation* with this Board and with Appellee no later than 10 days following the issuance date of this final Order

Wherefore, it is hereby **ORDERED** that the appeal is **DISMISSED** due to the untimely filing of the appeal pursuant to section 124.34 of the Ohio Revised Code.



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, August 09, 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**

Robert D. Hammond, Jr.

Case No. 12-REM-06-0135

*Appellant*

v.

July 17, 2012

Department of Rehabilitation & Correction,  
Lebanon Correctional Institution

*Appellee*

Marcie M. Scholl  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration July 17, 2012, upon Appellant's filing of an appeal of his 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 and Ohio Administrative Code Section 124-1-03(A).

Appellant Hammond states in his notice of appeal that he received notice of his removal on May 30, 2012. Appellee filed a copy of Appellant Hammond's removal order with this Board on June 5, 2012 and that order states it was hand delivered to the employee on May 30, 2012, which is consistent with the date in Appellant Hammond's notice of appeal. Therefore, pursuant to section 124.34 of the Ohio Revised Code and administrative rule 124-1-03(A) of the Ohio Administrative Code, Appellant Hammond would have had ten (10) days from when he received notice of his removal to file a timely appeal with this Board. Ten (10) days from May 30, 2012 would have been June 9, 2012. June 9, 2012 fell on a Saturday, so the appeal time would have been extended to the next business day, which was Monday, June 11, 2012. Appellant Hammond's appeal was not filed with this Board until June 20, 2012, approximately nine (9) days late.

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



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Marcie M. Scholl  
*Administrative Law Judge*

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