

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

Marcus E. Cunningham,

Case Nos. 08-REM-04-0184  
08-MIS-04-0186

*Appellant,*

v.

Summit County Court of Common Pleas,

*Appellee.*

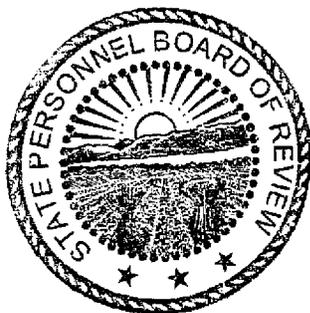
**ORDER**

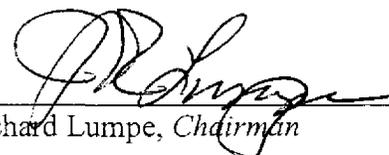
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 appeals be **DISMISSED** due to Appellant's failure to appear, pursuant to O.A.C. § 124-11-19(A).

Lumpe - Aye  
Booth - Aye  
Sfalcin - Aye



  
\_\_\_\_\_  
J. Richard Lumpe, *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 constitute ~~(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, November 5, 2008.

  
\_\_\_\_\_  
Michelle Hensley  
Clerk

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

11.5.08

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Marcus E. Cunningham,

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Case No. 08-REM-04-0184

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September 17, 2008

Marcie M. Scholl  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on September 17, 2008. Appellee appeared and was represented by Sherri Bevan Walsh, Prosecuting Attorney. Appellant failed to appear and Appellee moved to dismiss this appeal.

I find notice was properly served on Appellant on June 24, 2008, by regular mail, and no good cause has been shown for Appellant's failure to appear.

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

  
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Marcie M. Scholl  
*Administrative Law Judge*

MMS:dlm