

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Karen L. Smith,

Case Nos. 08-ABL-07-0449
08-RED-07-0450

Appellant,

v.

Department of Job and Family Services,

Appellee.

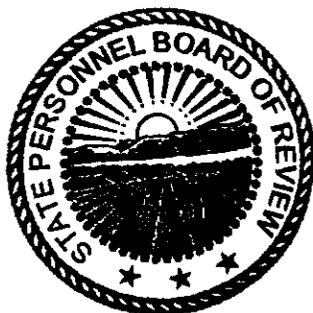
ORDER

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 respond to this Board's August 26, 2008 Procedural Order and Questionnaire, pursuant to O.A.C. § 124-9-05.

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 25, 2008.

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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Karen L. Smith,

Appellant

v.

Department of Job & Family Services,

Appellee

Case Nos. 08-ABL-07-0449
08-RED-07-0450

September 24, 2008

James R. Sprague
Administrative Law Judge

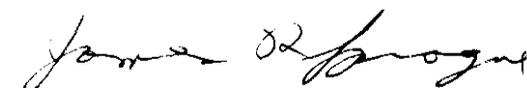
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to a review of the information contained in the record. On August 26, 2008, this Board issued a Procedural Order and Questionnaire, instructing Appellant to respond to the Questionnaire on or before September 17, 2008. A copy of the Procedural Order and Questionnaire was sent by certified mail and by regular mail to the parties. To date, this Board has received no response from Appellant.

Pursuant to O.A.C. 124-9-05, this Board has the authority to order evidence taken in the form of questionnaires at any time prior to hearing. O.A.C. 124-9-05(C) provides that the failure to respond to a questionnaire may result in dismissal of a case, and Appellant was so notified in the Board's August 26, 2008, Procedural Order.

Therefore, because Appellant has failed to respond as ordered by this Board to its August 26, 2008, Procedural Order and Questionnaire, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**, in accordance with O.A.C. 124-9-05.



James R. Sprague
Administrative Law Judge