

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

MALISA GODWIN,

Appellant

v.

Case No. 08-REM-07-0436

CLEVELAND STATE UNIVERSITY,

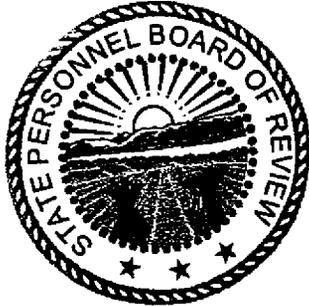
Appellee

ORDER

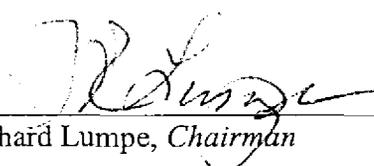
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the 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 appeal 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 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 20, 2009.



Clerk

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



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

Malisa Godwin,

Case No. 08-REM-07-0436

Appellant

v.

November 12, 2008

Cleveland State University,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's failure to appear at the November 12, 2008 record hearing scheduled for the above-captioned appeal. Appellee was present at the record hearing through its legal representative, Assistant Attorney General Joseph N. Rosenthal. Also present at the record hearing were Linda Ryan-Allen, Radio Dispatcher Supervisor, and David Buckingham, Police Commander and Assistant Director of Campus Safety. Ms. Ryan-Allen and Mr. Buckingham traveled from the Cleveland area to attend the record hearing set for 10:00 a.m. on November 12, 2008. The information contained in the record indicates that Appellant was sent a notice of the scheduled record hearing via regular U.S. mail on September 29, 2008.

The individuals who were present at the record hearing were informed that Appellant called the office of the State Personnel Board of Review at approximately 8:00 a.m. on the morning of November 12, 2008 to notify the Board that she was unable to attend the record hearing scheduled for 10:00 a.m. Appellant stated that she was unable to attend the hearing because she cannot physically drive and the individual who offered to drive her to the hearing was not able to do so. Appellant further stated that she called the State Personnel Board of Review on November 11, 2008 to inform the Board of her transportation problems, but she was unable to leave a message because the Board's voice mail was not activated. It is noted that the Board's voice mail was checked and it was determined that the voice mail had been activated at 5:00 p.m. on November 10, 2008, and remained on and able to record voice mail messages until office personnel arrived for work on the morning of November 12, 2008 and deactivated the voice mail. At the conclusion of the November 12, 2008 telephone conversation, Appellant was advised that she was required to formally request a continuance of her case in writing and she was given instructions on how to do so.

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At the record hearing, Appellee moved to dismiss the instant appeal due to Appellant's failure to appear. Upon review of the circumstances discussed, *supra*, I find that Appellant has not shown good cause for her failure to appear. Therefore, pursuant to O.A.C. 124-11-19(A), which provides that the Board may dismiss an appeal if neither the Appellant nor the Appellant's authorized representative appears at a hearing, I respectfully **RECOMMEND** that Appellee's motion be granted and that the instant appeal be **DISMISSED**.


Elaine K. Stevenson
Hearing Officer

EKS:/