

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

Nick P. Triantafilou,

Appellant,

v.

Case No. 09-LAY-01-0001

Hamilton County Board of Commissioners,

Appellee.

ORDER

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

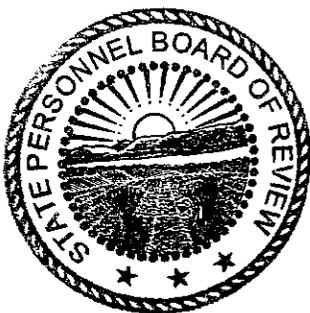
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. § 124.328 and O.A.C. § 124-1-03(B).

Lumpe - Aye

Sfalcin - Aye

Tillery - Aye



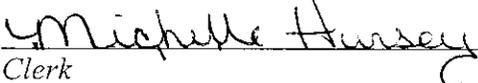


J. Richard Lumpe, *Chairman*

CERTIFICATION

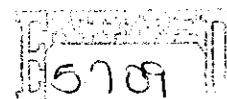
The State of Ohio, State Personnel Board of Review, ss:

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, May 7, 2009.



Michelle Hursey
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**

Nick P. Triantafilou,

Case No. 09-LAY-01-0001

Appellant

v.

March 20, 2009

Hamilton County Board of Commissioners,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on March 20, 2009, upon Appellant's notice of appeal of his layoff filed with this Board on January 2, 2009. Pursuant to this Board's March 5, 2009 Procedural Order, Appellee provided this Board with documentation establishing that Appellant was served with his notice of layoff on December 18, 2008.

Ohio Revised Code Section 124.328 and Ohio Administrative Code Section 124-1-03(B) require that an appeal from a layoff or displacement be filed or postmarked no later than ten (10) calendar days after receipt of the layoff notice. In the present case, Appellant filed his appeal with this Board fifteen days after he received his layoff notice. Accordingly, I find that the Board is without jurisdiction to hear this appeal because the appeal was not timely filed.

Based on the foregoing, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to Ohio Revised Code Section 124.328 and Ohio Administrative Code Section 124-1-03(B).


Elaine K. Stevenson
Hearing Officer

EKS:/