

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

James Ray Jr.,

Appellant,

v.

Case No. 09-LAY-11-0483

Department of Youth Services Central Office,

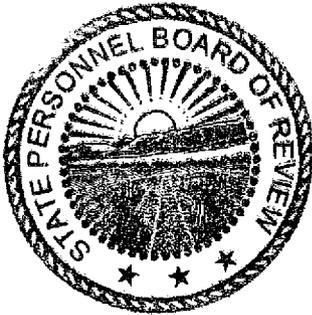
Appellee.

ORDER

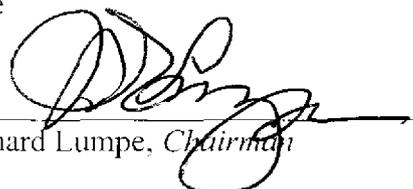
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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. It is further **ORDERED** that the instant appeal be **DISMISSED** due to no apparent error on the part of Appellee in determining Appellant's eligibility to displace, pursuant to O.R.C. § 124.328 (appeal from a layoff or a displacement), O.A.C. § 124-11-07 (Failure to respond to a properly filed motion to dismiss).



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

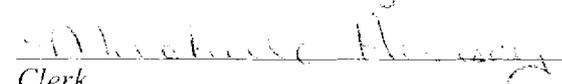


J. Richard Lumpe, *Chairman*

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 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, August 19, 2010.



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

JAMES RAY, JR.,

Case No. 09-LAY-11-0483

Appellant

v.

July 2, 2010

DEPARTMENT OF YOUTH SERVICES,
CENTRAL OFFICE,

Appellee

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on June 28, 2010. Appellee appeared and was represented by Nicole S. Moss, Assistant Attorney General. *Appellant failed to appear* and Appellee moved to dismiss this appeal.

I find notice was properly served on Appellant on November 30, 2009, by regular mail, and no good cause has been shown for Appellant's failure to appear. *Further, Appellant has failed to respond to Appellee's previously filed motion to dismiss.* That motion asserts, apparently accurately, that Appellant is incorrect regarding his principal assertion; namely that Appellee utilized the incorrect Headquarters County for Appellant when determining whether or not Appellant could displace any other of Appellee's employees.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal due to Appellant's failure to appear and due to no apparent error on the part of Appellee in determining Appellant's eligibility to displace, pursuant to R.C. 124.328 (appeal from a layoff or a displacement), O.A.C. 124-11-07 (failure to respond to a properly filed motion to dismiss), and O.A.C. 124-11-19 (failure to appear).


JAMES R. SPRAGUE
Administrative Law Judge