

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Thomas W. Berning,

Appellant,

v.

Case No. 09-REM-12-0523

Department of Transportation,

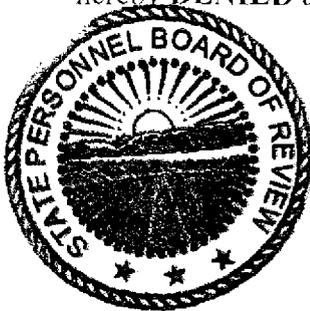
Appellee.

LIFTING OF STAY / ISSUANCE OF FINAL ORDER

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal and on this Board's January 7, 2011 issuance of a final Order in this matter. On January 21, 2011, Appellant faxed filed a Motion for Reconsideration and on January 24, 2011, this Board issued a Stay Order. Appellee filed a Memorandum *Contra* to Appellant's Motion for Reconsideration on January 27, 2011.

Having reviewed the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, as well as Appellant's motion for reconsideration and Appellee's memorandum *contra*, this Board hereby overrules Appellee's memorandum *contra*, accepts Appellant's motion for reconsideration into the record, and finds no good cause to disturb this Board's January 7, 2011 issued final Order.

Wherefore, it is hereby **ORDERED** that Appellant's Motion for Reconsideration is hereby **DENIED** and this Board's final Order in this matter stands as previously issued.



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *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, February 4, 2011.


Michelle Hursey
Clerk

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

2.4.11mt