

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Diane M. Werner,

*Appellant,*

v.

Case No. 11-ABL-05-0131

Department of Taxation,

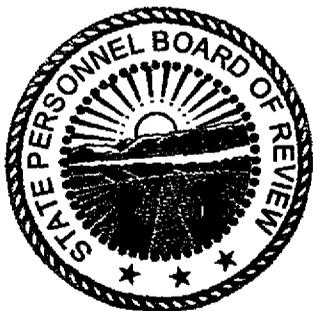
*Appellee*

**ORDER**

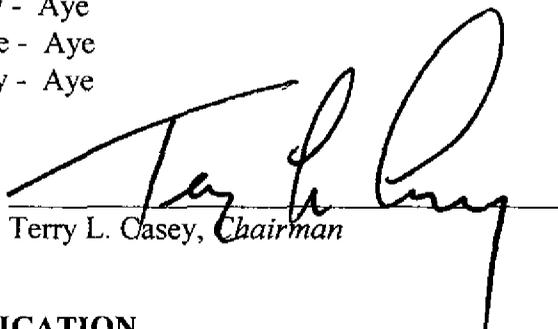
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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**, since Appellant failed to respond as Ordered by this Board to its June 8, 2011, Procedural Order and Questionnaire, pursuant to O.A.C. § 124-9-05.



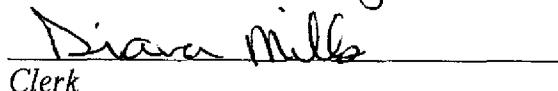
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
Terry L. Casey, *Chairman*

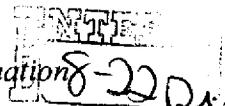
**CERTIFICATION**

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 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, August 22, 2011.

  
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**

Diane M. Werner,

Case No. 11-ABL-05-0131

*Appellant*

v.

July 18, 2011

Department of Taxation,

Jeannette E. Gunn

*Appellee*

*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 June 8, 2011, this Board issued a Procedural Order and Questionnaire, instructing Appellant to respond to the Questionnaire on or before June 27, 2011. A copy of the Procedural Order and Questionnaire was sent by regular mail and by certified 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 apprised in the Board's June 8, 2011, Procedural Order.

Therefore, as Appellant has failed to respond as ordered by this Board to its June 8, 2011, Procedural Order and Questionnaire, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**, in accordance with O.A.C. 124-9-05.

  
Jeannette E. Gunn  
*Administrative Law Judge*

JEG: