

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

KIMBERLY HUHN,

Appellant,

v.

Case No. 11-FRN-09-0331

GUERNSEY COUNTY
VETERANS SERVICE COMMISSION,

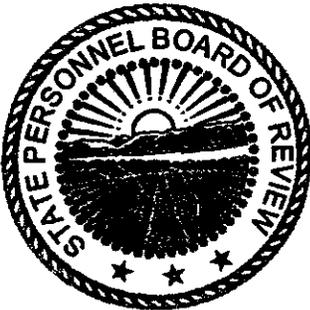
Appellee

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 entirety of the record, including 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 appeal is **DISMISSED** for Appellant's failure to comply with the Procedural Order and complete and file the questionnaire.



Casey - Aye
Lumpe - Aye
Tillery - Aye



Terry L. Casey, *Chairman*

CERTIFICATION

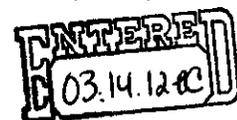
The State of Ohio, State Personnel Board of Review, ss:

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, March 14, 2012.



Erin E. Conn
Clerk

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



Appellant

v.

February 22, 2012

Guernsey Co., Veterans Service Commission,

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on February 22, 2012. On November 29, 2011, the day before the previously scheduled record hearing on November 30, 2011, the Appellant faxed this Board's office a request for a continuance of the record hearing as she had recently obtained new employment. On December 1, 2011, a Notice of Continuance regarding the instant appeal was mailed to the Appellant with the direction and order that the Appellant and Appellee to **"exchange their respective witness and documents lists pursuant to O.A.C. section 124-13-01 within two (2) weeks from the date of this order. Moreover, the Appellant is directed to provide this Board and the Appellee with the name of her current employer where she is working, along with her current job title, as well is when she began her employment with her new employer."** Additionally, it was noted that the record hearing that was scheduled for November 30, 2011, was continued by the Board. Thus, the requested information was to be completed and filed with the State Personnel Board of Review on or before December 15, 2012.

The Appellant did not file the requested information with this Board to the above mentioned Notice of Continuance and Order on December 15, 2011, nor has she to date. The Notice of Continuance and Order was mailed to the Appellant at her address located at 409 Shenandoah Dr., Byesville, Ohio 43723, by regular mail.

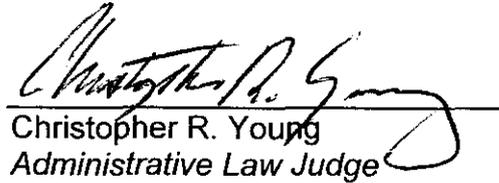
After not having received the requested information described above, the undersigned Administrative Law Judge issued an additional Procedural Order and Questionnaire on January 31, 2012, again requesting, **"the Appellant is directed to provide this Board and the Appellee with the name of her current employer**

where she is working, along with her current job title, as well is when she began her employment with her new employer.”, to be supplied to this Board within ten (10) calendar days from receipt of this order, along with noting that if this Board does not receive the requested information by February 13, 2012, this Board would dismiss and terminate the above captioned appeal.

Further, the Procedural Order dated January 31, 2012, stated that Ohio Administrative Code Section 124-9-05(C) states:

. . . . Questionnaires may be used as the sole basis for deciding any appeal. Failure to respond to the questionnaire may result in dismissal of the case.

The Appellant has not returned the requested information and completed questionnaire as of this date. Consequently, I **RECOMMEND** that this appeal be **DISMISSED** for failure to comply with the Procedural Order and complete and file the questionnaire. (See, *Edison V. Franklin County Children Services Board* (July 20, 1992), Franklin County, Case Number 91 CVF-07-5921, unreported, and *Adamasek v. Ohio Department of Administrative Services* (January 31, 1994), Franklin County, Case Number 93 CVF-08-6104, unreported.


Christopher R. Young
Administrative Law Judge

CRY: