

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

Torrey C. Mccray, Sr.,

Appellant,

v.

Case No. 11-REM-05-0169

Department of Rehabilitation and Correction,
Southeastern Correctional Institution,

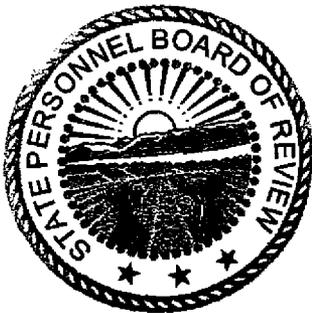
Appellee.

ORDER

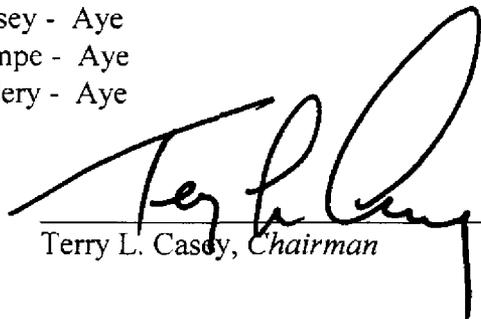
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** as untimely, pursuant to O.R.C. § 124.34 and O.A.C. § 124.1-03(I).



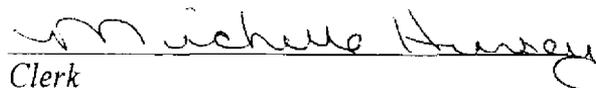
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, June 28, 2011.


Clerk

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

6-28-11mH

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

Torrey C. Mccray Sr.,

Case No. 11-REM-05-0169

Appellant

v.

May 20, 2011

Dept. of Rehab. & Corr.,
Southeastern Corr. Institution,

Christopher R. Young
Administrative Law Judge

Appellee

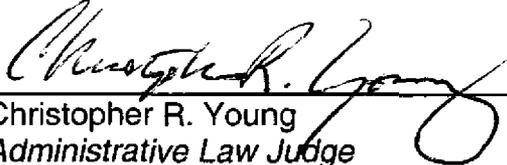
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration May 20, 2011, upon Appellant's filing of an appeal of his removal on April 28, 2011, that occurred on October 28, 2011.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within ten (10) calendar days following the date on which the order of removal was served on the employee, as required by Ohio Revised Code Section 124.34 and/or within thirty (30) calendar days after Appellant received actual notice of his removal, as required by Ohio Administrative Code Section 124-1-03(I)

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.



Christopher R. Young
Administrative Law Judge

CRY: