

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

Rick L. Mays,

Appellant,

v.

American Township Police Department,

Appellee.

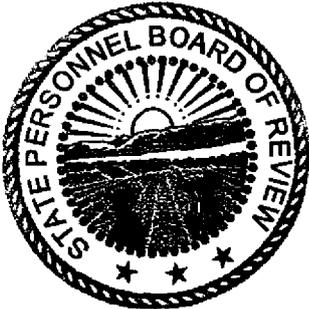
Case Nos. 11-ABL-06-0204
11-SUS-06-0205

ORDER

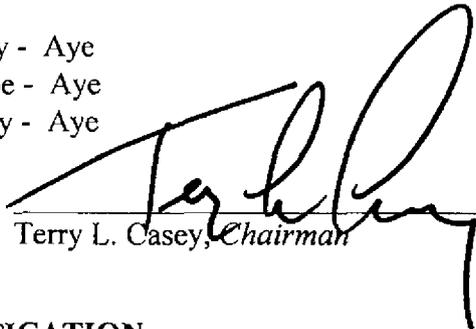
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 appeals be **DISMISSED** as untimely, pursuant to O.R.C. § 124.34 and O.A.C. § 124-1-03(I).



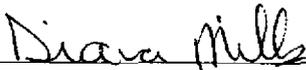
Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

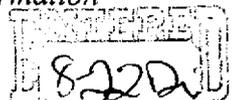
CERTIFICATION

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 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.


Diana Mills
Clerk

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



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Rick L. Mays,

Appellant

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Case Nos. 11-ABL-06-0204
11-SUS-06-0205

June 21, 2011

Jeannette E. Gunn
Administrative Law Judge

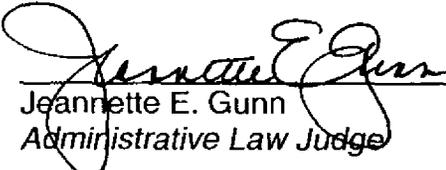
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration June 21, 2011, upon Appellant's June 7, 2011, filing of an appeal of his abolishment and suspension, both of which were effective April 14, 2011. In his appeal, Appellant indicated that he received notice of the actions taken by Appellee on February 23, 2011.

I find that the State Personnel Board of Review is without jurisdiction to hear the above-referenced appeals because the appeals were not filed in a timely manner. An appeal of an abolishment action must be filed within ten (10) calendar days after Appellant receives notice of the abolishment, as required by Ohio Administrative Code Section 124-1-03(A). A suspension appeal must be filed within ten (10) calendar days following the date on which the order of suspension was served on Appellant, as required by Ohio Revised Code Section 124.34. Where no suspension order is provided to the employee, then the appeal must be filed within thirty (30) calendar days after the Appellant received actual notice of his suspension, pursuant to Ohio Administrative Code Section 124-1-03(I).

Appellant's appeals were filed outside the specified time limits, therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.



Jeannette E. Gunn
Administrative Law Judge