

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

KEITH BENNETT,

*Appellant,*

v.

Case No. 12-MIS-07-0167

CLARK COUNTY AUDITOR,

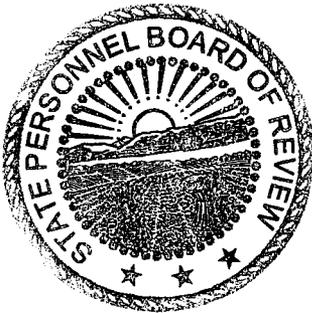
*Appellee*

**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 this case be **DISMISSED** as moot.



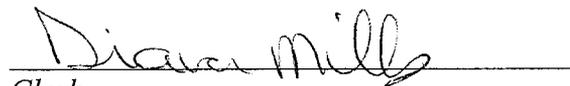
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
\_\_\_\_\_  
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, December 5, 2012.

  
\_\_\_\_\_  
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**

KEITH BENNETT,

Case No. 12-MIS-07-0167

*Appellant*

v.

August 31, 2012

CLARK COUNTY AUDITOR,

JAMES R. SPRAGUE

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's July 30, 2012 filing of an appeal from a denial of his application for reinstatement with Appellee. On August 16, 2012 Appellee filed Appellee's Notice of Rescission of Order and Motion to Dismiss Appeal as Moot, wherein Appellee indicated it had rescinded the pertinent denial of Appellant's request and, instead, is having Appellant undergo an examination pursuant to O.A.C. 123: 1-30-03 prior to reaching a determination on Appellant's application. Appellant was provided with the requisite time frame in which to respond to Appellee's motion but, to date, has not done so. Further, Appellee's rescission action obviates the need for the September 4, 2012 Status Conference that was scheduled in this matter.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **GRANT** Appellee's motion and **DISMISS** this matter as **MOOT**, pursuant to R.C. 124.03 and O.A.C. 124-11-07.

  
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JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: