

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

JOHN HEASLEY,

Appellant,

v.

Case No. 12-TFR-08-0189

ATTORNEY GENERAL,

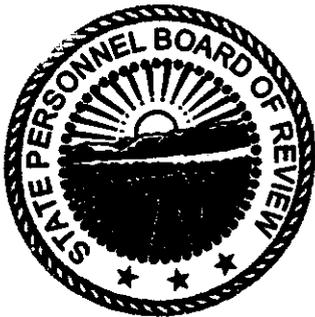
Appellee

ORDER

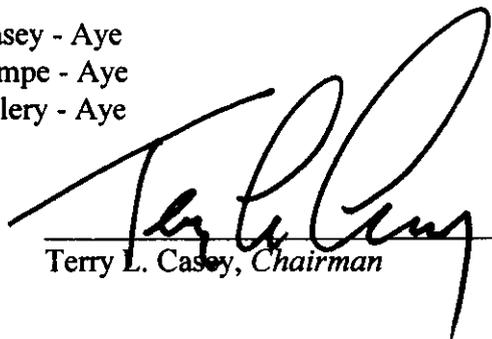
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 instant appeal is **DISMISSED** as moot, pursuant to Ohio Revised Code Sections 124.03 and 124.33.



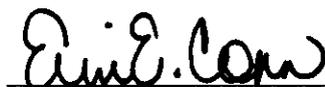
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, February 06, 2013.


Clerk

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

2-6-13cc

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

JOHN HEASLEY,

Case No. 12-TFR-08-0189

Appellant

v.

December 21, 2012

ATTORNEY GENERAL,

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 August 23, 2012 timely filing of an appeal from his receipt of a notice of transfer. The transfer concerned changing Appellant's Headquarters County from Mahoning County to Cuyahoga County, with no change in Appellant's classification of Technical Specialist 1 or in his rate of pay.

Appellant received notice of the action on August 13, 2012 and the action was to be effective on September 10, 2012. However, as was determined at a Pre-Hearing held in this matter on November 5, 2012, the transfer was put on hold and did not take place. It was also determined that Appellee did not submit the matter to the Director of the Department of Administrative Services for approval as referenced in R.C. 124.33.

Further, as agreed at Pre-Hearing, on November 6, 2012, the undersigned issued a Procedural Order. That Procedural Order requested that, on or before December 6, 2012, the parties respectively provide this Board with a Status Update concerning any action that has occurred that may impact on the processing of this case.

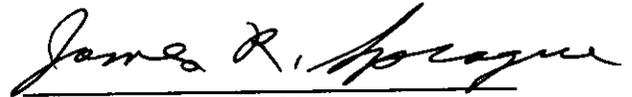
Accordingly, on December 6, 2012, Appellee filed Appellee's Response to November 6, 2012 Procedural Order. In its Response, Appellee indicates: "Appellee intends to proceed with the transfer of Appellant to Appellee's Cleveland office pursuant to the procedure delineated in R.C. 12[4].33." Appellant neither filed a Status Update with this Board nor filed a Reply to Appellee's Response.

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Because it appears that Appellant's earlier contemplated transfer (that was to be effective September 10, 2012) did not occur, the instant matter is now moot and, as such, should be dismissed. Yet, should Appellee provide Appellant with an additional notice of transfer, Appellant may then timely appeal that notice of transfer to this Board.

RECOMMENDATION

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal as **MOOT**, pursuant to R.C. 124.03 and R.C. 124.33.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: