STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

STEVEN MARRONI,

Appellant,

v.

Case Nos. 12-REM-04-0082
12-WHB-04-0083
12-MIS-04-0084

INDUSTRIAL COMMISSION OF OHIO,

Appellee

ORDER

These matters 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 entirety of the records, 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 Appellee's motions to dismiss are granted and the instant appeals are **DISMISSED** based upon Appellant's failure to prosecute his appeals, pursuant to O.A.C. 124-11-07 (A) (2) and (C) and O.A.C 124-11-19.

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.*

ENTERED 2-6-13 cc

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Steven Marroni, *Appellant*	Case Nos. 12-REM-04-0082 12-WHB-04-0083 12-MIS-04-0084
v.	December 21, 2012
Industrial Commission Of Ohio, *Appellee*	Jeannette E. Gunn *Administrative Law Judge*

REPORT AND RECOMMENDATION

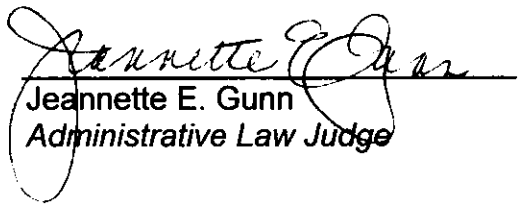
To the Honorable State Personnel Board of Review:

These causes come on due to Appellee's October 26, 2012 filing of motions to dismiss and accompanying memoranda in support concerning each of the three above-captioned appeals. Appellant was provided with the requisite time and with additional time to file Appellant's memoranda *contra* to Appellee's motions to dismiss, but failed to do so.

These matters were set for Status Conference, which was scheduled to occur on December 18, 2012 at 10:00 a.m. The Scheduling Notice for the Status Conference was mailed on November 1, 2012, by regular U.S. Postal Service mail. Appellee appeared at Status Conference through its counsel, Assistant Attorneys General Matthew J. Karam and Joseph N. Rosenthal. Appellant failed to appear and no good cause has been shown for that failure to appear. Appellee moved to dismiss the three instant appeals for Appellant's failure to appear.

I find that Appellant has failed to comply with this Board's requirements for filing a memorandum *contra* to a properly filed and supported motion to dismiss, as set forth in O.A.C. 124-11-07 (A) (2) and (C). Further, his failure to appear at the December 18, 2012, Status Conference violates O.A.C. 124-11-19. These violations evidence Appellant's failure to prosecute the above-referenced appeals, and merit dismissal of the matters.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **GRANT** Appellee's motions to dismiss and **DISMISS** the three instant appeals based upon Appellant's failure to prosecute his appeals, pursuant to O.A.C. 124-11-07 (A) (2) and (C) and O.A.C. 124-11-19.



Jeannette E. Gunn
Administrative Law Judge