

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

Pamela Bowman,

Appellant,

v.

Case No. 2013-REC-11-0300

Department of Youth Services, Central Office, and
Department of Administrative Services, Human Resources Division,

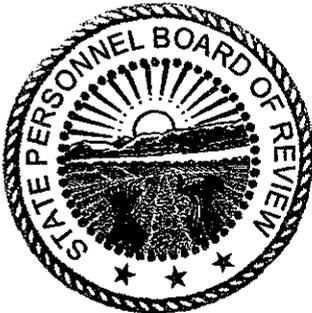
Appellees,

ORDER

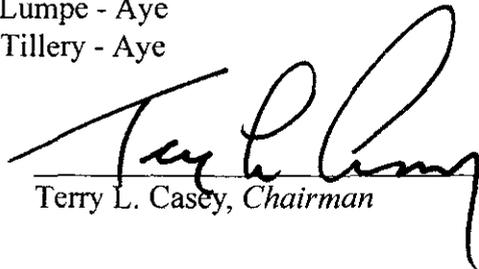
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED** for Appellant's failure to comply with the requirements set forth in O.A.C. 124-11-07 (A)(2) and (C), along with the case being 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, September 03, 2014.


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**

Pamela Bowman

Case No. 2013-REC-11-0300

Appellant

v.

June 23, 2014

Department of Youth Services,
Central Office,

And

Department of Administrative Services,
Human Resource Division,

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

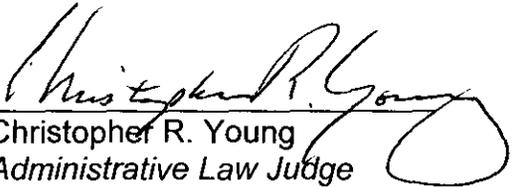
This cause comes on for consideration due to Appellee's June 6, 2014, filing of a Motion to Dismiss and accompanying memorandum in support, along with the accompanying affidavit of Ms. Rochelle Jones, a Human Capital Management Administrator 2 for the Ohio Department of Youth Services. Appellant was provided with the requisite time to file Appellant's memorandum *contra* to Appellee's Motion to Dismiss, but has failed to do so.

O.A.C. 124-11-07 sets forth the motions practice before this Board. O.A.C. 124-11-07 (A)(2) indicates that when a party files a dispositive motion, then an adverse party must respond affirmatively and show that there is a genuine issue in dispute. O.A.C. 124-11-07 (C) sets forth a ten-day time frame to respond to dispositive motions, such as the instant motion to dismiss. Appellant has failed to file the required response to Appellee's Motion to Dismiss and thus, has failed to comply with O.A.C. 124-11-07.

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Furthermore, Appellee's jurisdictional argument that that there is no justiciable case or controversy existing and the case is *moot* appears to have merit. While Ms. Pamela Bowman, the Appellant herein, appealed her reclassification from a Management Analyst Supervisor 1 to a Parole Board/Release Authority Hearing Officer effective October 20, 2013, the Appellant retired from state service effective March 1, 2014, and has lost no pay.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board or Review **DISMISS** the above captioned appeal for Appellant's failure to comply with the requirements set forth in O.A.C. 124-11-07 (A)(2) and (C), along with the case being *moot*.


Christopher R. Young
Administrative Law Judge