

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

HONEYA PRICE,

Appellant,

v.

Case No. 13-REM-02-0064

WARREN CITY SCHOOLS,

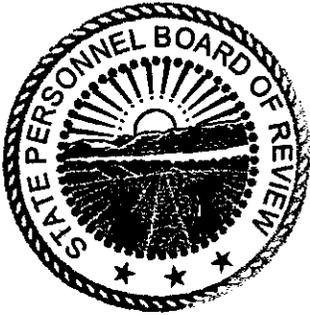
Appellee

ORDER

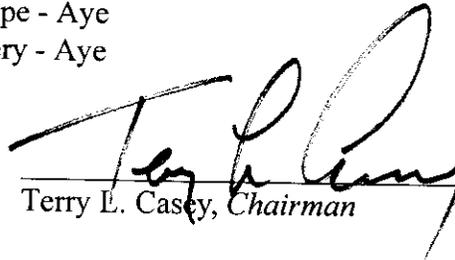
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 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).



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, June 12, 2013.


Clerk

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

6/12/13

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

Honeya Price,

Case No. 13-REM-02-0064

Appellant

v.

May 7, 2013

Warren City Schools,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

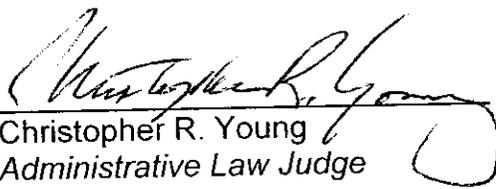
To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to the Appellee's April 15, 2013, filing of motion to dismiss for want of subject matter jurisdiction and upon Appellee's March 11, 2013, filing of its response to the previously issued Procedural Order and Questionnaire regarding the above-captioned case. The motion to dismiss contained: a memorandum in support; the affidavit of Michael Notar, the Superintendent of the Warren City School District; along with various accompanying documentation; and pertinent case law. Appellant was provided with the requisite amount of time to file a memorandum contra to Appellee's motion to dismiss, but, to date has not done 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 motions 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. Furthermore, Appellee's jurisdictional arguments that addressed the above captioned appeal appear to have merit, as this Board lacks jurisdiction over city school district employees.

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Therefore, I respectfully **RECOMMEND** that the State Personnel Board of 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).


Christopher R. Young
Administrative Law Judge

CRY: