

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Sharon McGowan,

Appellant,

v.

Case No. 2013-WHB-04-0118

Department of Job & Family Services,

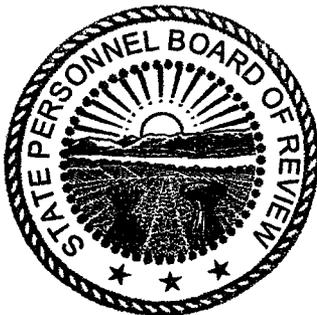
Appellee.

ORDER

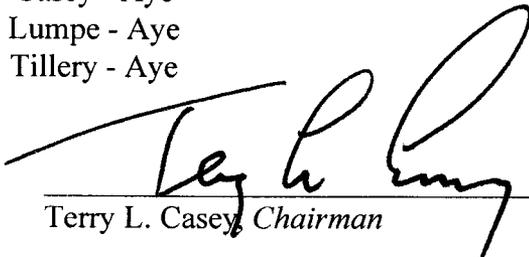
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** due to Appellant's failure to appear for the Status Conference.



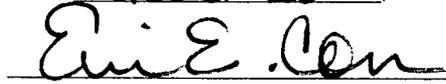
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, October 23, 2013.


Clerk

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

10/23/13ec

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

Sharon McGowan

Case No. 2013-WHB-04-0118

Appellant

v.

August 1, 2013

Department of Job & Family Services

Appellee

Marcie M. Scholl

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for a Status Conference on July 30, 2013. Appellee appeared and was represented by Rory P. Callahan, Assistant Attorney General. Appellant McGowan failed to appear. On July 25, 2013, Appellant McGowan filed a request for a continuance, stating she “. . . will be out of town for the next two weeks and will not be able to attend.” There was no certificate of service on her request evidencing that she served the Appellee with her request and at the pre-hearing, Appellee stated they were not served with the request. As is stated on the Notice of Appeal, mailed to Appellant McGowan on May 20, 2013,

Copies of all notices, motions, or pleadings shall be considered by this Board **only** if they have been served on the opposing party(s). The opposing party(s) or corresponding representative is listed below in **bold** print. (Emphasis added).

Appellant McGowan did not follow up with a telephone call to this Board to determine if her request for a continuance had been granted. She also did not comply with this Board's administrative rule which requires that requests for continuances must be made in writing at least ten (10) calendar days prior to a scheduled pre-hearing or record hearing. This notice appears on the Scheduling Notice mailed to Appellant McGowan on June 21, 2013. Appellant McGowan did not comply with the requirement for a continuance, as the Status Conference was scheduled for July 30, 2013 and her request was filed on July 25, 2012, which is less than ten (10) days prior to the Status Conference.

Appellant McGowan received notice of the date and time for the Scheduling Conference on June 21, 2013, approximately five weeks prior to the date of the Conference. She waited until five days before the Conference to request a continuance and she did not furnish a copy of her request to the opposing party. Appellant McGowan failed to abide by this Board's administrative rules in requesting her continuance and she had notice of the necessary requirements to effectuate a proper continuance request, but did not abide by those requirements.

Therefore, I **RECOMMEND** this appeal be **DISMISSED** due to Appellant McGowan's failure to appear for the Status Conference.



Marcie M. Scholl
Administrative Law Judge

:mms