

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Lindsey A. Latscha,

Appellant,

v.

Case No. 2014-INV-08-0235

Ohio State University,

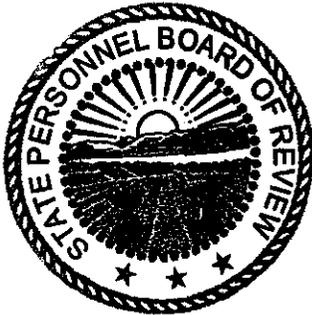
Appellee,

ORDER

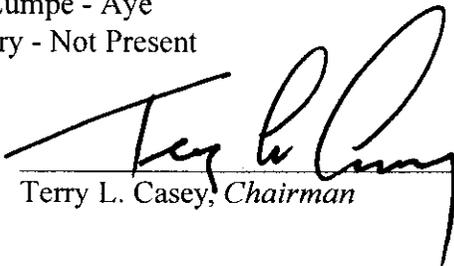
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 request for an investigation is **DISMISSED** for Appellant's failure to follow the requirements set forth in O.A.C. 124-11-07 (A) (2) and (C).



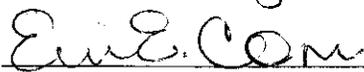
Casey - Aye
Lumpe - Aye
Tillery - Not Present


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, January 08, 2015.


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**

Lindsey A. Latscha

Case No. 2014-INV-08-0235

Appellant

v.

November 5, 2014

Ohio State University

James R. Sprague

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

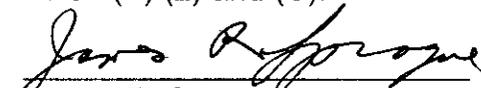
To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's August 28, 2014 filing of a request for an investigation concerning her receipt of a "Level Two Notice" provided to her by Appellee, Ohio State University (OSU). On September 16, 2014, this Board sent Appellee a letter requesting that Appellee respond to the allegations that Appellant had raised in Appellant's request for an investigation. On October 8, 2014, Appellee filed Appellee's Motion to Dismiss, Memorandum in Support, and the Affidavit of Marc Stoffel. Mr. Stoffel is an OSU Employee and Labor Relations Consultant, who has been with OSU since July 8, 2002 and has specifically been with OSU's Wexner Medical Center since November 8, 2010. Appellant was provided with the requisite 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 (A) (2) indicates that, when a party has properly filed and supported a dispositive motion (such as a motion to dismiss), the opposing party must set forth specific facts showing there is a genuine issue in dispute. O.A.C. 124-11-07 (C) establishes a 10-day time frame in which to file a response to a properly filed and supported dispositive motion.

In the instant case, Appellant failed to file any response to Appellee's motion to dismiss. *Accordingly, the instant request for an investigation should be dismissed for that specific reason.*

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant request for an investigation for Appellant's failure to follow the requirements set forth in O.A.C. 124-11-07 (A) (2) and (C).


James R. Sprague
Administrative Law Judge