

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

Carrie Stambolziovski,

*Appellant,*

v.

Case No. 2014-REM-05-0097

Stark County Multi-County Juvenile Attention System,

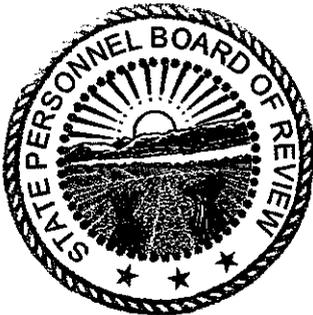
*Appellee,*

**ORDER**

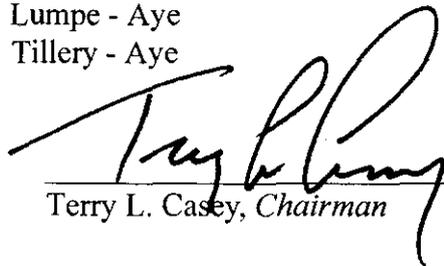
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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).



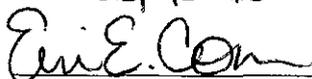
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, 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**

Carrie Stambolziovski

Case No. 2014-REM-05-0097

*Appellant*

v.

August 1, 2014

Multi Co Juv Attention System Stark Co

Christopher R. Young

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

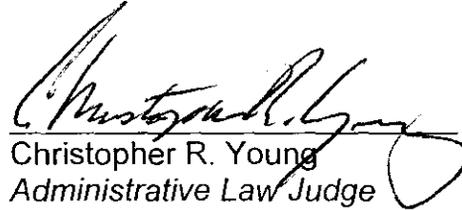
This cause comes on for consideration due to the Appellee's July 14, 2014, filing of Motion to Dismiss regarding the above-captioned case. The motion to dismiss contained: a memorandum in support and the affidavit of Mr. James C. McKenzie, II, the Chief Operations Officer at the Multi-County Juvenile Attention System (MCJAS). 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 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.

Furthermore, Appellee's argument that the key question to be decided at a record hearing would be whether the Appellant resigned on May 22, 2014 prior to the effective date of the removal on May 28, 2014, and effectively abandoned her position, along with stating that she no longer wished to work for MCJAS anymore.

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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