

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

SeJohn Emmons,

*Appellant,*

v.

Case Nos. 2014-REM-07-0161  
2014-OSH-07-0162

Department of Public Utilities,

*Appellee,*

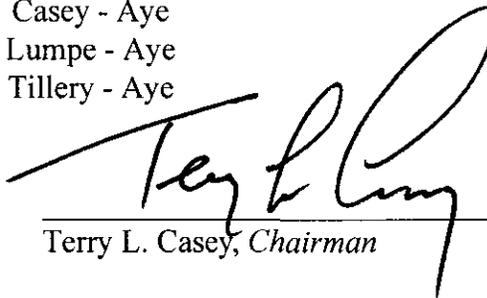
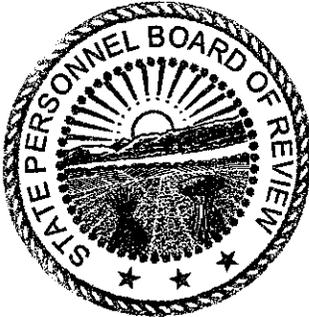
**ORDER**

These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the entirety of the records, 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 appeals are **DISMISSED** for Appellant's failure to comply with the requirements set forth in O.A.C. 124-11-07 (A)(2) and (C).

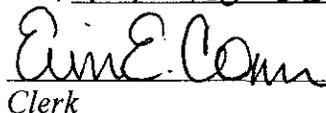
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, November 26, 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**

SeJohn Emmons

Case Nos. 2014-REM-07-0161  
2014-OSH-07-0162

*Appellant*

v.

October 2, 2014

Department of Public Utilities

*Appellee*

Christopher R. Young  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

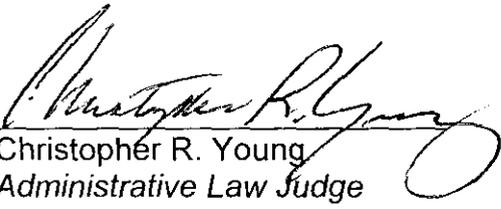
To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to the Appellee's August 19, 2014, filing of motion to dismiss regarding the above-captioned case. The motion to dismiss contained: a memorandum in support; and letter dated May 29, 2014 showing that the Appellant's probationary period had been extended on May 9, 2014 for an additional sixty (60) days, with the approval of the Civil Service Commission, along another letter dated June 2, 2014 showing that the Appellant was terminated during his probationary period; along with 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 appeals appear to have merit.

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).

SeJohn Emmons  
Case No. 2014-REM-07-0161  
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Christopher R. Young  
Administrative Law Judge