

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Kevin Kent,

Appellant,

v.

Case Nos. 2014-SUS-07-0197
2014-WHB-07-0198

Department of Health,

Appellee,

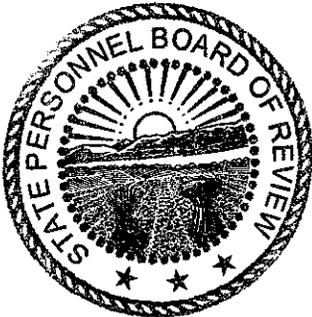
ORDER

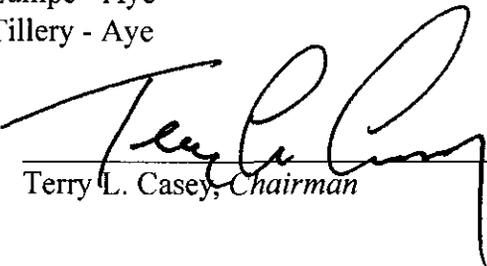
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 these appeals are **DISMISSED** for Appellant's failure to comply with the Procedural Orders and to complete and file the questionnaires.

Casey - Aye
Lumpe - Aye
Tillery - Aye

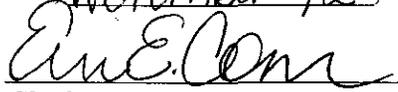



Terry L. Casey, Chairman

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 12, 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**

Kevin Kent

Case No. 2014-SUS-07-0197

Appellant

v.

October 1, 2014

Dept. of Health

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on October 1, 2014, and after a Procedural Order and Questionnaire regarding an alleged no order suspension claim was mailed to the Appellant on August 27, 2014, with the direction that the questionnaire was to be completed and filed with the State Personnel Board of Review on or before September 10, 2014. That Procedural Order also stated in bold letters:

. . . . If the questionnaire is not completed and returned by the date due, then this Board may take whatever action is appropriate.

The Appellant has not filed its response with this Board to the above mentioned Procedural Order and Questionnaire.

The Procedural Order and the Questionnaire was mailed to the Appellant at his address located at 2999 Remington Ridge Rd., Columbus, OH 43232 by certified mail, return receipt requested. To date, a receipt return to the Personnel Board of Review has not been delivered, nor returned, thus, it is deemed that the order and questionnaire was delivered to Mr. Kevin Kent, at that address.

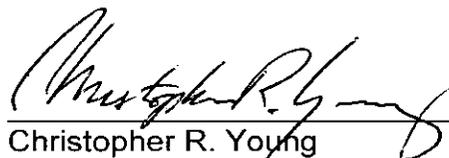
Further, Ohio Administrative Code Section 124-9-05 (C) states:

* * *

Questionnaires may be used as the sole basis for deciding any appeal. Failure to respond to a questionnaire may result in dismissal of the case.

* * *

Appellant has not returned the completed questionnaire as of this date. Consequently, I **RECOMMEND** that this appeal be **DISMISSED** for failure to comply with the Procedural Order and to complete and file the questionnaire. (See, *Edison v. Franklin County Children Services Board* (July 20, 1992), Franklin County, case number 91CVF-07-5921, unreported, and *Adamasek V. Ohio Department of Administrative Services* (January 31, 1994), Franklin County, case number 93CVF-08-6104, unreported).


Christopher R. Young
Administrative Law Judge