

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

Asghar Zanganeh,

*Appellant,*

v.

Case No. 2015-REM-04-0042

Ohio Facilities Construction Commission,

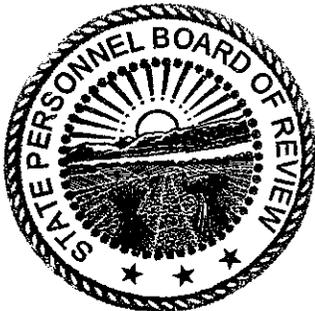
*Appellee,*

**ORDER**

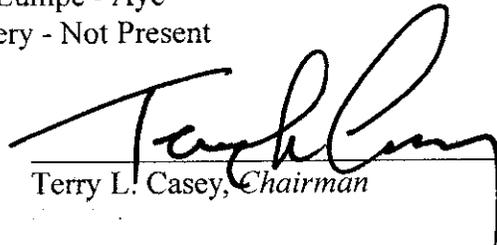
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 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).



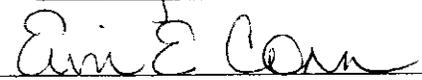
Casey - Aye  
Lumpe - Aye  
Tillery - Not Present

  
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, July 10, 2015.

  
Erin E. Conn  
Clerk

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

## NOTICE

Where applicable, this Order may be appealed under the provisions of Chapters 124 and 119 of Ohio Revised Code. An original written Notice of Appeal or a copy of your Notice of Appeal setting forth the Order appealed from and the grounds of appeal must be filed with this Board fifteen (15) days after the mailing of this Notice. Additionally, an original written Notice of Appeal or a copy of your Notice of Appeal must be filed with the appropriate court within fifteen (15) days after the mailing of this Notice. At the time of filing the Notice of Appeal or copy of your Notice of Appeal with this Board, the party appealing must provide a security deposit to the Board. In accordance with administrative rule 124-15-08 of the Ohio Administrative Code, the amount of deposit is based on the length of the digital recording of your hearing and the costs incurred by the Board in certifying your case to court. The length of the digital recording, the costs incurred, the corresponding amount of deposit required, and the final date that the Notice of Appeal or copy of your Notice of Appeal and the Deposit will be accepted by this Board are listed at the bottom of this Notice. If a full or partial transcript of the digital recording has been prepared prior to the filing of an appeal, the costs of a copy of that certified transcript will be accepted by this Board; transcript costs will be listed at the bottom of this Notice.

**IF YOU ELECT TO APPEAL THIS BOARD'S FINAL ORDER, THEN YOU MUST PROVIDE THE DEPOSIT LISTED BELOW AT THE TIME YOU FILE YOUR NOTICE OF APPEAL OR COPY OF YOUR NOTICE OF APPEAL WITH THIS BOARD.** Please note that the law provides that you have fifteen (15) calendar days from the mailing of the final Board Order to file your Notice of Appeal or copy of your Notice of Appeal both with this Board and with the Court of Common Pleas. The fifteenth day is the date that appears at the bottom of this Notice.

**METHOD OF PAYMENT:** for all entities other than State agencies, payment of the deposit must be by money order, certified check, or cashier's check. State agencies are required to use the Intra-State Transfer Voucher (ISTV) system (OBM Form 7205), which must be processed prior to the filing of an appeal. To initiate an ISTV, State agencies may call the State Personnel Board of Review Fiscal Office at 614/466-7046.

**IF YOU MAINTAIN YOU CANNOT AFFORD TO PAY THE DEPOSIT LISTED BELOW, THEN YOU MUST COMPLETE THE BOARD'S "AFFIDAVIT OF INDIGENCE" FORM. YOU CAN OBTAIN THAT FORM BY CALLING 614/466-7046. THE COMPLETED AFFIDAVIT MUST BE RECEIVED BY THIS BOARD ON OR BEFORE July 17, 2015. You will be notified in writing of the Board's determination. If the Board determines you are indigent, you will be relieved of the responsibility to pay the deposit to the Board. However, if the Board determines you are NOT indigent, then YOU MUST FILE YOUR NOTICE OF APPEAL OR A COPY OF YOUR NOTICE OF APPEAL AND PAY THE DEPOSIT BY THE DATE LISTED BELOW.**

**If you have any questions regarding this notice, please contact the Board at 614/466-7046.**

Case Number: 2015-REM-04-0042

Transcript Costs: N/A Administrative Costs: \$25.00

Total Deposit Required: \* \$25.00

Notice of Appeal and Deposit Must  
Be Received by SPBR on or Before: July 27, 2015

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

Asghar Zanganeh

Case No. 2015-REM-04-0042

*Appellant*

v.

June 16, 2015

Ohio Facilities Construction Commission

James R. Sprague

*Appellee*

*Administrative Law Judge*

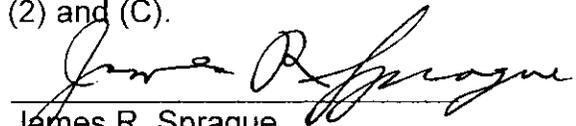
**REPORT AND RECOMMENDATION**

This cause comes on due to Appellant's April 15, 2015 filing of an appeal from a revocation of Appellant's alleged unclassified appointment. On May 28, 2015, Appellee filed Appellee's motion to dismiss, memorandum in support, the affidavit of Peter Renner, Appellee's Human Resources Manager, and various exhibits. Appellant was provided with the requisite time frame in which to file Appellant's memorandum *contra*, but, to date, has not done so.

O.A.C. 124-11-07 (A) (2) and (C) combine to require an opposing party to timely file a memorandum *contra* to a properly filed and supported motion to dismiss, such as in the instant case. A party's failure to do so may result in dismissal of the appeal.

Here, Appellee properly filed and supported its motion to dismiss. Further, Appellant failed to file the required response to Appellee's motion to dismiss. Accordingly, this matter should be dismissed. *It is noted that Appellant's companion appeal (i.e. Case No. 2015-WHB-04-0043) will proceed to pre-hearing, which is currently set for June 24, 2015.*

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

  
James R. Sprague  
*Administrative Law Judge*

Asghar Zanganeh  
Terrence T. Wheeler, Attorney at Law  
Ohio Facilities Construction Commission  
Sloan T. Spalding, Assistant Attorney General  
Abigail J. Ledman, Assistant Attorney General