STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Scot Gormley,

Appellant,

v.

Case Nos. 2016-REC-07-0157
2016-RED-07-0158

Department of Transportation,
and
Department of Administrative Services,

Appellees,

ORDER

These matters came on for consideration on the motion that the Notice of Settlement attached hereto and incorporated herein by reference, be adopted. Being fully advised in the premises, the Board hereby orders that the attached Notice of Settlement is **ADOPTED** and the appeals are **DISMISSED**.

Casey - Aye
Tillery - Aye
McGregor - 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 the foregoing is (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, October 19, 2016.

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 October 26, 2016. 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: 2016-REC-07-0157, 0158

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: November 3, 2016

BEFORE THE STATE PERSONNEL BOARD OF REVIEW

2016 SEP 30 PM 3:21

SCOT GORMLEY,	:	
Appellant,	:	CASE NOS. 2016-REC-07-0157 2016-RED-07-0158
v.	:	
DEPARTMENT OF TRANSPORTATION,	:	JEANNETTE E. GUNN *Administrative Law Judge*
Appellee.	:	

NOTICE OF SETTLEMENT

Now comes the Appellee, Ohio Department of Transportation ("ODOT"), by and through the undersigned counsel, and hereby does give notice to the State Personnel Board of Review ("SPBR") that ODOT and Appellant, Scot Gormley ("Gormley"), entered into a settlement agreement ("Agreement") on September 29, 2016. Included in the Agreement is a complete release and waiver of any and all legal claims or causes of action that Gormley may have against ODOT up to and including the date on which the Agreement was fully executed. Also included in the Agreement is Gormley's agreement to withdraw his appeals before SPBR, Case Nos. 2016-REC-07-0157 and 2016-RED-07-0158. Because the matter has been settled between the parties, the instant appeals are moot. Therefore, ODOT respectfully requests that SPBR dismiss Gormley's appeals *sua sponte*.

Respectfully submitted,

MIKE DEWINE (0009181)
Ohio Attorney General

ABIGAIL J. LEDMAN (0092679)
Assistant Attorney General
TRACY M. NAVE (0074067)
Principal Assistant Attorney General

ENTERED
9/30/16

Employment Law Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 644-7257 - Telephone
(614) 752-4677 - Facsimile
elsreview@ohioattorneygeneral.gov

CERTIFICATE OF SERVICE

I certify that a copy of the above *Notice of Settlement* was served upon Scot Gormley, 966 Northwest Blvd., Grandview, OH 43212, by ordinary U.S. Mail, postage prepaid this 30th day of September, 2016.

ABIGAIL J. LEDMAN (0092679)
Assistant Attorney General