

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

DESHON MILTON,

Appellant

v.

Case No. 05-MIS-03-0097

CUYAHOGA COUNTY BOARD OF COMMISSIONERS,

Appellee

ORDER

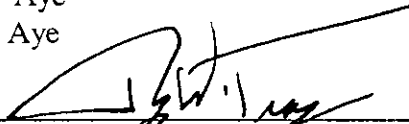
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the record and 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 be **DISMISSED** due to Appellant's failure to comply with this Board's procedural orders, pursuant to O.A.C. sections 124-9-05(C) and 124-11-13(B).



Tracy – Aye
Lumpe – Aye
Booth – Aye

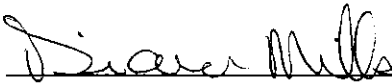


Roger W. Tracy, *Chairman*

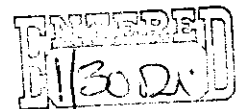
CERTIFICATION

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, January 30, 2006.



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**

Deshon Milton,

Case No. 05-MIS-03-0097

Appellant

v.

November 28, 2005

Cuyahoga Co., Board Of Commissioners,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter comes for consideration on November 28, 2005, upon review of the instant case file. On July 11, 2005, the undersigned sent a procedural order and questionnaire via certified mail to the Appellant for him to respond by July 25, 2005, which came back unclaimed. Thereafter, on August 15, 2005, the undersigned sent the same procedural and questionnaire which came back unclaimed via regular mail. The Appellant was ordered to file his response with this Board and with the Appellee not later than 4:30 p.m., August 29, 2005. To date, the Appellant has not filed such response with this Board or with the Appellee, nor has he contacted this Board to request an extension of time in which to file his response.

This Board's administrative rule, O.A.C. 124-9-05(C) provides that:

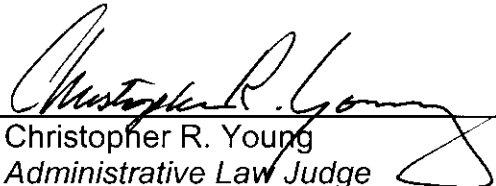
Questionnaires may be used as the sole basis for deciding any appeal. Failure to respond to a questionnaire may result in dismissal of the case.

Further, this Board's administrative rule O.A.C. 124-11-13(B) provides that:

If a party fails to comply with a procedural order, the Board may dismiss the appeal or grant other appropriate relief to the opposing party.

Deshon Milton
Case No. 05-MIS-03-0097
Page 2

Therefore, because the Appellant has failed to comply with this Board's July 11, 2005 and the August 15, 2005, procedural orders, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**, pursuant to O.A.C sections 124-9-05(C) and 124-11-13(B).


Christopher R. Young
Administrative Law Judge

CRY: