

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

LE SEAN D. FOLMAR,

Appellant

v.

Case No. 05-RED-02-0056

DEPARTMENT OF REHABILITATION AND CORRECTION,
TOLEDO CORRECTIONAL INSTITUTION,

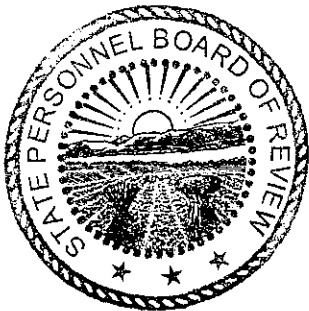
Appellee

ORDER

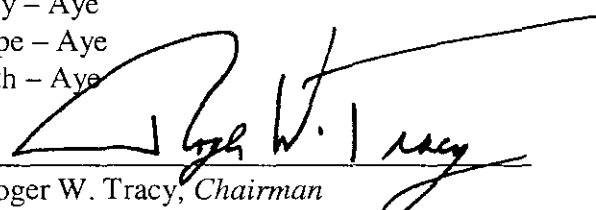
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 timely file his appeal, pursuant to R.C. 124.34.



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, August 3, 2005.



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**

LeSean D. Folmar,

Case No. 05-RED-02-0056

Appellant

v.

June 21, 2005

Department of Rehabilitation & Corrections,
Toledo Correctional Institution,

Appellee

Jeannette E. Gunn
Administrative Law Judge


REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration June 10, 2005, upon Appellant's filing of an appeal of his removal. Appellee filed a Motion to Dismiss with this Board on June 6, 2005, asserting that Appellant's appeal was untimely. Appellee noted in its Motion to Dismiss that Appellant was reduced in position from Correction Lieutenant to Correction Officer effective March 7, 2004, and was served with the R.C. 124.34 Order of Reduction reflecting such reduction on February 5, 2004. Appellant filed his appeal with this Board on February 14, 2005. Appellant filed no memorandum *contra*.

Accordingly, based upon the uncontroverted facts contained in the record, I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within ten (10) calendar days after Appellant received notice of the reduction, as required by Ohio Revised Code Section 124.328.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.



Jeannette E. Gunn
Administrative Law Judge

:jeg