

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ANDREW J. RUDGERS,

Appellant,

v.

Case No. 07-INV-02-0049

SUMMIT COUNTY COURT OF COMMON PLEAS,

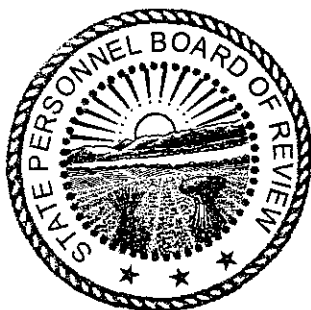
Appellee.

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 request for an investigation be **TERMINATED**, pursuant to O.R.C. § 124.56 and O.A.C. § 124-7-05(A).



Lumpe – Aye
Booth – Aye
Tracy – Aye

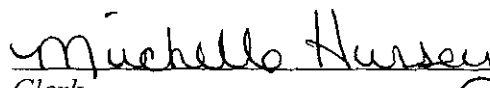


J. Richard Lumpe, *Chairman*

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, June 1, 2007.



Michelle Hursey
Clerk

6-1-07 (MLH)

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

Andrew J. Rudgers,

Case No. 07-INV-02-0049

Appellant

v.

May 4, 2007

Summit County Court of Common Pleas,

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration on May 4, 2007, upon the Appellant's filing of an investigation request with this Board on February 12, 2007. The Appellant's investigation request filed on February 12, 2007, just had a check mark next to the "investigation" box along with various documents attached to it regarding several citations to statutes and a grievance which was apparently heard on January 2, 2007 by the Honorable Administrative Judge Elinore Marsh Stormer. (See notice of appeal).

After review of the above mentioned appeal, on April 17, 2007, the undersigned sent a letter to the Appellant which stated:

Dear Mr. Andrew J. Rudgers:

Your initial request for the State Personnel Board of Review to conduct an investigation fails to allege with particularity any violation of the civil service law to which the Appellee may be required to respond. The civil service law of the State of Ohio is generally found within Ohio Revised Code Chapter 124. Ohio Revised Code Section 124.56 sets forth the procedure for a civil service investigation.

Therefore, unless we receive from you allegations setting forth with particularity those requirements of the civil service law which you believe have been violated by Appellee, your case will be dismissed. These allegations must be postmarked no later than May 1, 2007.

Very truly yours,

Christopher R. Young
Administrative Law Judge


To date, the Appellant has not filed any response to the undersigned's request dated April 17, 2007, nor has he requested any extension of time to file said response, as well.

Ohio Administrative Code Section 124-7-05(A) states, in pertinent part:

- (A) Investigations shall be conducted by an exchange of correspondence between the Board and the parties. Unless a party can show good cause for the failure to respond, decisions will be based upon the information received within the response time allowed. . . .

It should be noted that there is information contained within the case file that after the Appellant submitted this request for an investigation Mr. Rudgers had submitted a letter of resignation effective April 20, 2007 and that the Court Executive Officer, Andrew J. Bauer, submitted this when they were notified of the case being filed against them, but was not requested by the undersigned to do so.

Therefore, having not shown good cause for his failure to file a response to the instant appeal, I respectfully **RECOMMEND** that the State Personnel Board of Review DISMISS and **TERMINATE** this investigation request for the Appellant's failure to respond to the undersigned request, as well as it appears as though the Appellant had resigned from his position after he submitted the investigation request, as well.


Christopher R. Young
Administrative Law Judge

CRY:dIm