**STATE OF OHIO**

**STATE PERSONNEL BOARD OF REVIEW**

David Douglas *et. al.*

 Case Nos. 2022-REM-01-0005

 2022-WHB-01-0006

 2022-REM-01-0007

 2022-WHB-01-0008

 2022-REM-01-0009

 2022-WHB-01-0010

 *Appellant*

 v. February 14, 2022

City of Dover

 Raymond M. Geis

 *Appellee* *Administrative Law Judge*

**PROCEDURAL ORDER**

 This cause comes on for consideration pursuant to City of Dover Mayor Richard Homrighausen’ s self-styled Motion to Intervene in the above captioned appeals.

 The existing record in these matters establish a rebuttable inference of illegal discrimination under R.C. 124.341 Violation or misuse - whistleblower protection, a.k.a. *prima facie* case of discrimination.

 The Mayor apparently opposes full and final settlement of these appeals now underway.

 Therefore, the Mayor is hereby permitted to submit his optional affidavit (with documents in support) articulating his purported legitimate non-discriminatory business reasons for terminating the employment of the three Appellants, if any.

 The Mayor’s optional affidavit is due no later than Thursday, February 24, 2022, and will be filed with this Board at SPBR@serb.ohio.gov, with the assigned administrative law judge at Raymond.Geis@serb.ohio.gov and upon each of the Appellants and the counsel for the Appellants.

 A failure to file the optional affidavit will not be considered an admission of guilt by the Mayor. However, if the Mayor’s affidavit and supporting documentation fail to create a genuine issue of material fact as to the reasons for the Appellants’ terminations, the Mayor is hereby notified that this could lead to a finding of illegal discrimination by the Mayor under R.C. 124.341 Violation or misuse - whistleblower protection.

 It is so **ORDERED**.



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 Raymond M. Geis

 *Administrative Law Judge*

c:

David L. Dingwell

Richard Homrighausen

Doug O’Meara

Appellants Douglas, Mroczkowski, Newsome