

BEFORE THE OIL AND GAS BOARD OF REVIEW

DEPARTMENT OF NATURAL RESOURCES

STATE OF OHIO

Don E. Combs,

Appellant,

vs.

APPEAL NO. 23

The State of Ohio,

acting by and through

the Chief of the Division

of Oil and Gas, Department

of Natural Resources,

Appellee

ORDER DISMISSING APPEAL

This matter having come on for consideration of Appellee's Motion to Dismiss Appellant's Appeal on the ground that the Oil and Gas Board of Review lacks jurisdiction to hear this matter for the reason that the notice of appeal filed by Appellant failed to comply with the statutory requirements necessary to perfect an appeal to the Board, the Board makes the following finding and order.

The Board finds that on November 2, 1976, Appellant filed his request for a hearing before the Oil and Gas Board of Review on Adjudication Order No. 221 issued by the Acting Chief of the Division of Oil and Gas, Department of Natural Resources, State of Ohio, (a copy of which notice is attached hereto as Exhibit "A"). By letter dated November 10, 1976 (a copy of which is attached hereto as Exhibit "B"), the Board, by its Secretary, advised the Appellant that the Appellant's Notice of Appeal did not meet the requirements of Section 1509.36 of the Revised Code of Ohio for an appeal to this Oil and Gas Board of Review. There has been no attempt by the Appellant to correct his Notice of Appeal in order to perfect his right of appeal before the Oil and Gas Board of Review. Section 1509.36 of the Revised Code of Ohio provides in part that:

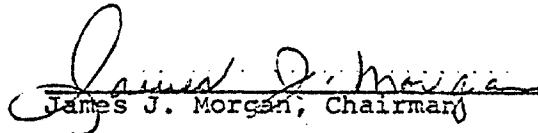
". . . Such Appeals shall be in writing and shall set forth the order complained of and the grounds upon which the appeal is based. Such appeals should be filed with the Board within thirty (30) days after the date upon which the Appellant received Notice by registered mail of the making of the Order complained of. Notice of the filing of such Appeal shall be filed with the Chief within three days after the appeal is filed with the Board . . ."

The Appellant's Notice of Appeal failed to set forth the grounds upon which the appeal is based. Further, Appellant failed to set forth, or attach to his notice and incorporate therein by reference, a true copy of the order complained of. The Acts of the Appellant give the Board no other alternative but to dismiss this Appeal.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Motion of the Appellee to Dismiss the Appeal of the Appellant be and the same hereby is granted.

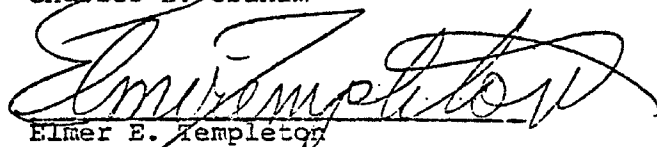
9<sup>th</sup> day of March, 1977

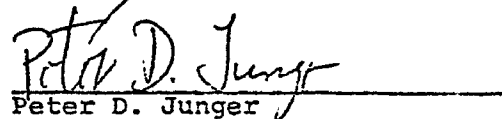
OIL AND GAS BOARD OF REVIEW

  
James J. Morgan, Chairman

  
C. Arthur Morrow, Secretary

  
Charles E. Graham

  
Elmer E. Templeton

  
Peter D. Junger