

(NO) FILE

OHIO PUBLIC UTILITIES COMMISSION

RECEIVED-DOCKETING DIV

2015 DEC 15 AM 9:24

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Plaintiff
Ohio Public Utilities Commission
180 East Broad Street
Columbus, Ohio 43215-3793

PUCO

15-2080-TR-CVF

VS

CASE NO.: OH3218008206C

Joshua A. Hursell
3310 Deidrick Road
Kent, Ohio 44240
Phone: 330-807-2630

REQUEST FOR AN ADMINISTRATIVE HEARING

COMES NOW. JOSHUA A. HURSELL, Pro Se without counsel with a "Request for an Administrative Hearing" pursuant to Ohio Administrative Code 4901:2-7-13 Request for administrative hearing for good cause for the reasons stated below.

On or about August 20, 2015 Joshua A. Hursell hereinafter "Defendant" began his day at **05:45AM Summit Township, PA**, at or near **777 Old Route 422 E, Butler, PA** stopping briefly at **Porterville, PA**. at the Pilot Truck Stop for carryout breakfast at or about **06:30AM** to get coffee and bacon-cheese bagle; continuing until the accident at or about **16445 Gar Hwy, Montville, OH** at or about **08:03AM**. A total distance of about **115.5 miles** or **2hrs**.

Defendant at the beginning of his work day preformed his pretrip inspection as well as starting his daily logbook as required by Federal Motor Carrier Safety Administration. Defendant inadverantly or mistakenly drew the start time in his "Logbook" an hour earlier showing an incorrect start time of **04:45AM**. This error would have been corrected at the Defendant's next delivery location. Or it would have been corrected at the end of his work day, per the post trip inspection.

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Technician te Date Processed DEC 15 2015

While in route to Defendant's next delivery location, the Defendant was struck by another vehicle that failed to obey a traffic control device and struck the Defendant's vehicle in the rear left hand trailer at the rear axles.

The Ohio Highway Patrol was summoned to the accident scene. Upon reviewing the Defendant's logbook the Officer cited the Defendant for being over hours. Defendant tried to explain the "*harmless error*" and tried to provide proof to the officer of the innocent human error. The Officer refused to accept any of the Defendant's information or defenses.


It is the Defendant's position that the "Logbook Entry" was not a valid entry until the logbook page was signed at the end of Defendant's work day, pursuant to Federal Motor Carrier Rules concerning logbook entries.

Defendant denies that he was over hours at the time of the accident. Defendant further states that he was injured by the Officer's actions by placing him "Out of Service" which caused the Defendant to miss his deliveries which inturn caused a loss of wages.

Wherefore:

Defendant respectfully demands a REQUEST FOR AN ADMINISTRATIVE HEARING that the "Notice of Preliminary Determination" be dismissed based upon the information provided

Respectfully submitted,


Joshua A. Hursell
3300 Deidrick Road
Kent, Ohio 44240
330-807-2630

STATE OF OHIO

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}ss:

Affidavit

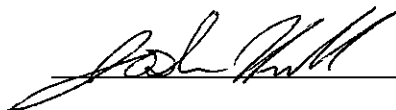
COUNTY OF SUMMIT

}

I, Joshua A. Hursell, being duly sworn, depose and state the following from personal knowledge:

1. On or about August 20, 2015 Joshua A. Hursell hereinafter "Defendant" began his day at 05:45AM Summit Township, PA, at or near 777 Old Route 422 E, Butler, PA stopping briefly at Porterville, PA. at the Pilot Truck Stop for carryout breakfast at or about 06:30AM to get coffee and bacon-cheese sandwich; continuing until the accident at or about 16445 Gar Hwy, Montville, OH at or about 08:03AM. A total distance of about 115.5 miles or 2hrs;
2. That a harmless human error of the actual start time of my daily log book was made. Further, I was not given opportunity to correct such error at the time the Ohio State Patrol Officer inspected my log, even though I had overwhelming evidence to support such error;
3. The attached exhibits are true and correct.

FURTHER AFFIANT SAYETH NAUGHT.



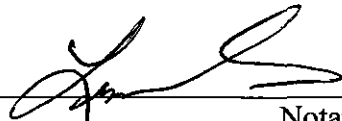
Joshua A. Hursell

NOTARY PUBLIC

SWORN TO, BEFORE ME, and subscribed in my presence this 9 day of December 2015.



LISA COOMBS, NOTARY
STATE OF OHIO
MY COMMISSION EXPIRES: 06/12/16



Notary Public

6-12-2016

My commission expires

CERTIFICATE OF SERVICE

I, Joshua A. Hursell, on December 9, 2015 that the above **REQUEST FOR AN ADMINISTRATIVE HEARING**, Case Number **OH3218008206C** was mailed by Certified mail # 9590 9403 0159 5120 4276 61 to:

The Public Utilities Commission of Ohio
180 E. Broad Street- Fourth Floor
Columbus, Ohio 43215

Respectfully,

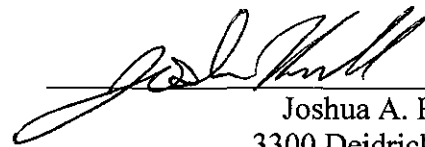

Joshua A. Hursell
3300 Deidrick Road
Kent, Ohio 44240
330-807-2630

EXHIBIT A



8 / 19 / 15
(Month) (Day) (Year)

Total Miles Driving Today Total Mileage Today

420

DRIVER'S DAILY LOG

(24 HOURS)

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

RAAB trucks
Name of Carrier or Carriers

1247 Eastward Ave
Main Office Address

Home Terminal Address

Full name of Driver

I certify these entries are true and correct:

Driver's Full Signature

Co-Driver's Name

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

321 / 321T

1. OFF DUTY
2. SLEEPER BERTH
3. DRIVING
4. ON DUTY (NOT DRIVING)

REMARKS

MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	TOTAL HOURS
																								24

SHIPPING DOCUMENTS:

CAS

B/L or Manifest No.

or

Shipper & Commodity

From:

USE TIME STANDARD AT HOME TERMINAL

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To:

Summit & Turp PA

19361 (545-MP)



RECAP

Complete at end of workday

13.5

On-duty hours today (Total lines 3 & 4)

70 Hr. / 8 Day Drivers

36

Total hours on duty last 7 days, including today.

34

Total hours available tomorrow, 70 hr. minus A.*

10

Total hours on duty last 8 days, including today.

5.25

60 Hr. / 7 Day Drivers

Total hours on duty last 6 days, including today.

24

Total hours available tomorrow, 60 hr. minus A.*

24

Total hours on duty last 7 days, including today.

24

*If you meet the 34-hour restart requirements in 495.3, you have 60/70 hours available again.



8 / 20 / 15
(Month) (Day) (Year)

Total Miles Driving Today 117
Total Mileage Today

321 / 321 T

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

EXHIBIT B

1247 Eastwood Ave
Name of Carrier or Carriers

Fallmidge OH 44228
Main Office Address

I certify these entries are true and correct:

Home Terminal Address

Driver's Full Signature

Co-Driver's Name

TOTAL HOURS

	MID-NIGHT	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	
1. OFF DUTY																									13
2. SLEEPER BERTH																									5.75
3. DRIVING																									2
4. ON DUTY (NOT DRIVING)																									3.25
REMARKS																									24

SHIPPING DOCUMENTS:

CA/S

B/L or Manifest No.

Shipper & Commodity

FROM: Summit turf PA

TO: Montville OH

Summit turf PA
Portersville PA
Pilot
Montville OH
Crash



19361 (545-MP)

RECAL
Complete a
end of work
5.25
On-duty hours
today, (Total
lines 3 & 4
70 Hr./8 D
Drivers
41.1
Total hours on
duty last 7 day
including today
28.1
Total hours
available
tomorrow,
70 hr. minus A
C.
Total hours on
duty last 8 day
including today
60 Hr./7 D
Drivers
A.
Total hours on
duty last 6 day
including today
B.
Total hours
available
tomorrow,
60 hr. minus A
C.
Total hours on
duty last 7 day
including today
*If you meet the
34-hour rest
requirements of
§ 395.3, you have
60/70 hours
available again

EXHIBIT C

DRIVER'S DAILY LOG

Original - File at home terminal
Duplicate - Driver retains in his/her possession for eight days

8 / 20 / 15
(Month) (Day) (Year)

Total Miles Driving Today 117 Total Mileage Today

Truck/Tractor and Trailer Numbers or License Plate(s) / State (show each unit)
321 / 321T

RAAB Trucking
1240 Eastwood Ave
Fallmade Okla 44228
Name of Carrier or Carriers
Main Office Address

I certify these entries are true and correct:
Driver's Full Signature
Home Terminal Address

Co-Driver's Name

	MID-NIGHT																								TOTAL
	1	2	3	4	5	6	7	8	9	10	11	NOON	1	2	3	4	5	6	7	8	9	10	11	HOURS	
1. OFF DUTY																								13	
2. SLEEPER BERTH																								4.75	
3. DRIVING																								3/2	
4. ON DUTY (NOT DRIVING)																								2.25	
REMARKS																								24	

SHIPPING DOCUMENTS:
C/L/S
B/L or Manifest No.
OR

Shipper & Commodity

Enter name of place you reported and where released from work and when and where each change of duty occurred.
From: Supmmt + twpo To: Montville OH
USE TIME STANDARD AT HOME TERMINAL Copyright 2013 J. J. Keller & Associates, Inc. All rights reserved.

19361 (545-MP)



RECAP
Complete at end of workday:
6.25
On-duty hours today (Total lines 3 & 4)
70 Hr./8 Day Drivers
42.25
Total hours on duty last 7 days, including today
27.75
Total hours available tomorrow, 70 hr. minus A.
C.
Total hours on duty last 8 days, including today
60 Hr./7 Day Drivers
A.
Total hours on duty last 6 days, including today
B.
Total hours available tomorrow, 60 hr. minus A.
C.
Total hours on duty last 7 days, including today
If you meet the 34-hour restart requirements in 49CFR 396.3, you have 60/70 hours available again.



Driver Management

Vehicle Management

Performance Management

Compliance Review/CSA

Home Employees Driver Qualification Alcohol & Drug Accident/Incident Training Hours of Service Roadside Inspection Reports & Forms

- Back to Previous Page
- View Employee Log
 - Checker - Joshua A. Hursell
- Log Checker
- Log Checker

View Employee Log - Joshua A. Hursell

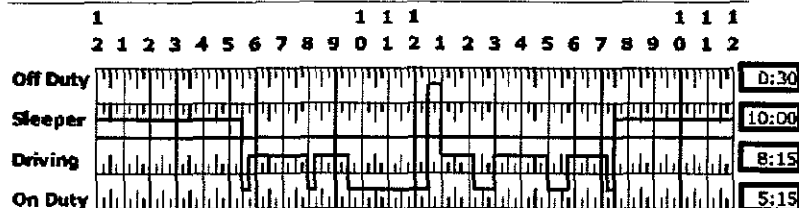
Employee Log

- Change Log - Employee
- Change Log - Log Date

Log Information

Log Date 8/19/2015
 Total Miles 420
 Driver Type Property Carrying
 Driver Returned/Released From Duty? No
 Exempt Log? No
 Inactive Log? No
 Shorthaul Exception Used? No
 34 Hour Reset Start Time
 34 Hour Reset Used

Log Summary



Duty Status	Time	Duration	Rule Set	Location
Sleeper	12:00 AM	5:30	US 70 Hour	BLAIR PA
On Duty	5:30 AM	0:15	US 70 Hour	BLAIR PA
Driving	5:45 AM	2:15	US 70 Hour	
On Duty	8:00 AM	0:15	US 70 Hour	REED TWP PA
Driving	8:15 AM	1:15	US 70 Hour	
On Duty	9:30 AM	3:00	US 70 Hour	Manheim PA
Off Duty	12:30 PM	0:30	US 70 Hour	Manheim PA
Driving	1:00 PM	1:15	US 70 Hour	
On Duty	2:15 PM	0:45	US 70 Hour	REED TWP PA
Driving	3:00 PM	2:00	US 70 Hour	
On Duty	5:00 PM	0:45	US 70 Hour	ALLEGHENY PA
Driving	5:45 PM	1:30	US 70 Hour	
On Duty	7:15 PM	0:15	US 70 Hour	SUMMIT TWP PA
Sleeper	7:30 PM	4:30	US 70 Hour	SUMMIT TWP PA

Recap

A. Total Hrs On-Duty Last 7 Days, Incl. Today	30:00	A
B. Total Hrs Available Tomorrow 70 Hrs Minus A	40:00	B
C. Total Hrs On-Duty Last 8 Days, Incl. Today	30:00	C

Violations

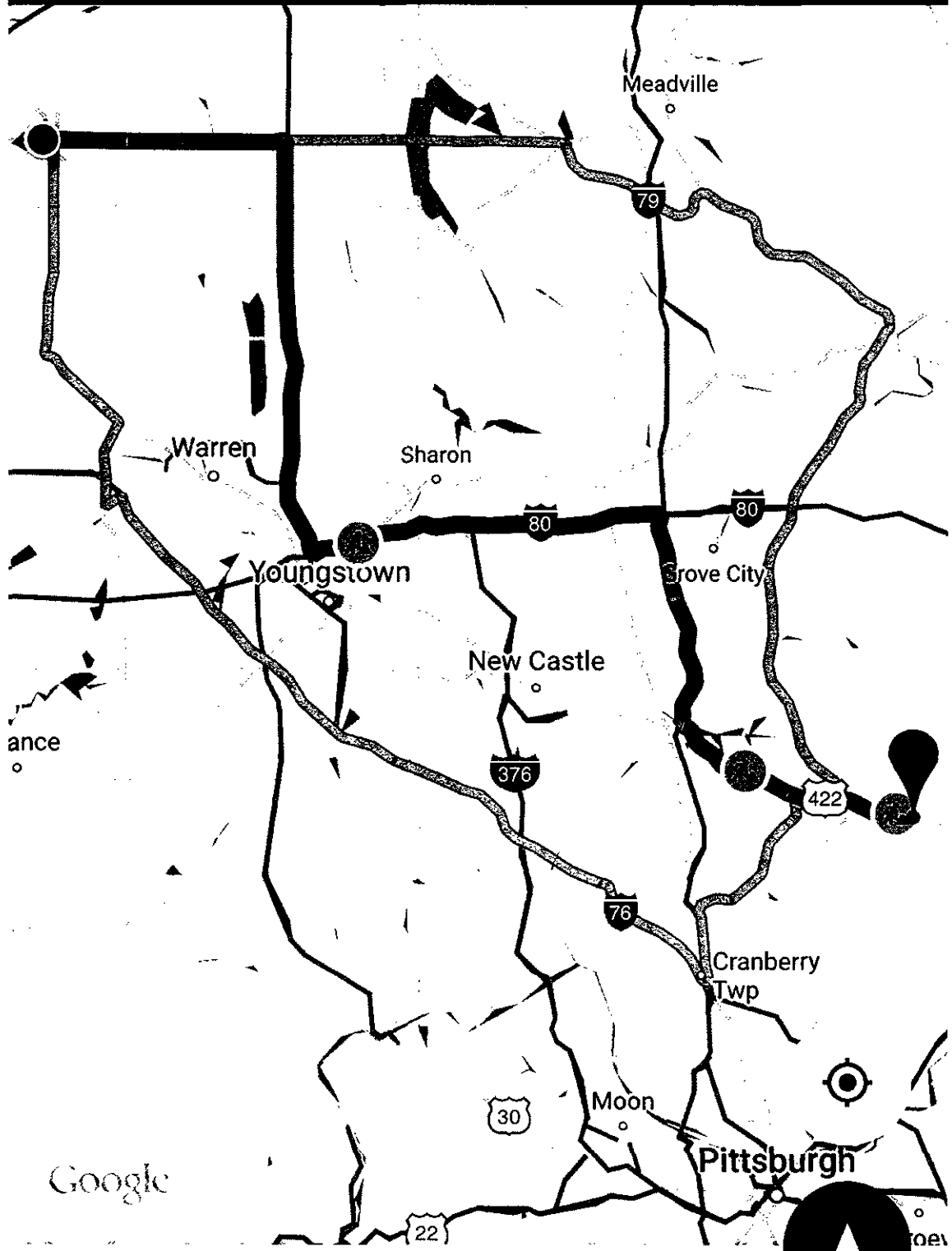
Violation Date	Name	Type	Critical	Flagged	Start Time	End Time	Rule Name
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Team Drivers

Team Driver Code	Team Driver Name	Start Time	End Time
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Supporting Docs

EXHIBIT D



1 hr 54 min (117 mi)
via OH-11 S

EXHIBIT E