

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

David S. French Sr,

Case Nos. 08-ABL-05-0144  
08-LAY-05-0145

*Appellant,*

v.

Department of Rehabilitation and Correction,  
Southeastern Correctional Institution,

*Appellee.*

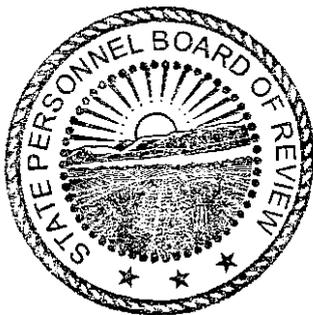
**ORDER**

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

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 appeals be **DISMISSED** as premature, pursuant to O.A.C. § 124-1-03(B).

Lumpe - Aye  
Booth - Aye  
Sfalcin - Aye

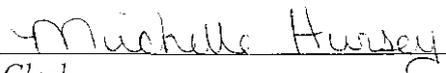


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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 this document and any attachment thereto constitute ~~(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 21, 2008.

  
\_\_\_\_\_  
Michelle Hursey  
Clerk

**NOTE:** Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

8-21-08

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*Appellant*

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Case Nos. 08-ABL-05-0144  
08-LAY-05-0145

May 23, 2008

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

The above-referenced causes come on due to Appellant's filing of appeals following receipt of a letter from Appellee's Deputy Director notifying Appellant that Appellant's position could be subject to layoff or displacement in the near future. It appears that Appellee's letter was issued as a preliminary process that Appellee utilized to determine what layoffs might be necessary. Therefore, I find that Appellant has not received notice of an actual layoff, abolishment, or displacement.

Pursuant to O.A.C. 124-1-03(B), appeals from layoffs, abolishments, and displacements shall be filed with the State Personnel Board of Review within ten calendar days after receipt of notice of the action.

**In the event that Appellant receives a subsequent letter from Appellee notifying Appellant that he or she will be laid off or displaced, or that Appellant's position has been abolished, Appellant must file a new appeal with this Board to preserve his or her rights. Such an appeal must be filed with this Board in a timely manner pursuant to O.A.C. 124-1-03(B). A copy of the notice shall be attached to the Appellant's appeal.**

Based on the foregoing, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** as premature, pursuant to O.A.C. 124-1-03(B).

  
Jeannette E. Gunn  
*Administrative Law Judge*