

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

JESSICA FINNEY,

Appellant

v.

Case No. 08-REM-08-0482

MONTGOMERY COUNTY PUBLIC HEALTH-DAYTON,

Appellee

ORDER

This matter came on for consideration before the full Board. Based upon the reasoning set forth in the Board's Opinion attached hereto, the Board hereby disaffirms the Order of Removal.

Wherefore, it is hereby **ORDERED** that Appellant's instant Removal Order be **DISAFFIRMED** for the reasons set forth in the Board's Opinion, attached hereto.

Lumpe – Aye

Booth – Aye

Sfalcin – Aye

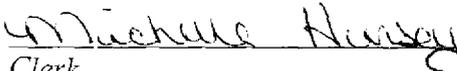


J. Richard Lumpe, *Chairman*

CERTIFICATION

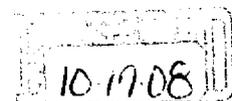
The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that the foregoing and any document attached hereto 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, October 17, 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.



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OPINION

Appellant was removed pursuant to an R.C. 124.34 Order of Removal. However, the Order was defective in the following manner:

Ohio Administrative Code Section 124-03-01 (A) requires that before an Order may be affirmed, the appointing authority must satisfy the following:

- (2) The employer shall serve the employee with a copy of the order on or before the effective date of the action;

The appointing authority has failed to comply with Ohio Administrative Code Section 124-03-01 (A)(2).

Therefore, the instant R.C. 124.34 Order of Removal is **DISAFFIRMED**. Disaffirmance of an R.C. 124.34 Order under O.A.C. 124-03-01 (A) shall not be a bar to refile an Order, based upon the same incidents, which complies with the rule. O.A.C. 124-03-01 (B).



J. Richard Lumpe, *Chairman*