

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Wendell Miller,

Appellant,

v.

Case No. 09-IDS-01-0008

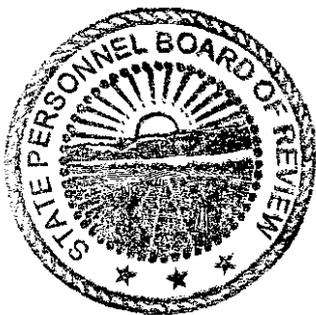
Department of Rehabilitation and Correction,
Lorain Correctional Institution,

Appellee.

ORDER

This matter came on for consideration on the motion of Appellee that the Rescission attached hereto be adopted. Being fully advised in the premises, the Board hereby orders that the attached rescission, incorporated herein by reference and made a part of the case file in this appeal, be **ADOPTED**, and that Appellant's appeal be **DISMISSED**.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



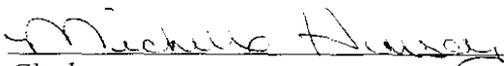


J. Richard Lumpe, *Chairman*

CERTIFICATION

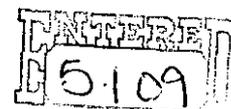
The State of Ohio, State Personnel Board of Review, ss:

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, May 1, 2009.



Michelle Hunsay
Clerk

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



BEFORE THE STATE PERSONNEL BOARD OF REVIEW

WENDELL MILLER, :
Appellant, : CASE NO. 09-IDS-01-0008
v. : CHRISTOPHER R. YOUNG
: Administrative Law Judge
DEPARTMENT OF :
REHABILITATION AND :
CORRECTION, LORAIN :
CORRECTIONAL INSTITUTION, :
Appellee. :

STATE PERSONNEL BOARD OF REVIEW
2009 APR -2 AM 11:11

APPELLEE DEPARTMENT OF REHABILITATION AND CORRECTION'S NOTICE OF RESCISSION

Appellee, Department of Rehabilitation and Correction, Lorain Correctional Institution, hereby notifies the Board that it has rescinded the §124.34 Order of Involuntary Disability Separation issued to Appellant Wendell Miller. Attached hereto as Exhibit A is the Notice of Rescission sent to Appellant on March 27, 2009. Appellee respectfully requests that the instant appeal be dismissed, as the underlying §124.34 Order has been rescinded.

Respectfully submitted,

RICHARD CORDRAY
Ohio Attorney General
POOJA ALAG BIRD (0078020)
Assistant Attorney General
Employment Law Section
615 West Superior Avenue, 11th Floor
Cleveland, Ohio 44113-1899
(216) 787-3030 Telephone
(866) 403-3981 Fax

4209

CERTIFICATE OF SERVICE

I certify that a copy of the above *Appellee Department of Rehabilitation and Correction's Notice of Rescission* was served upon Victor P. Kademenos, 502 West Washington Street, Sandusky, Ohio 44870, by ordinary U.S. Mail, postage prepaid, this 31st day of March, 2008.


POOJA ALAG BIRD (0078020)
Assistant Attorney General

Ohio Department of Rehabilitation and Correction



Lorain Correctional Institution
2075 S. Avon-Belden Road
Grafton, Ohio 44044
440-748-1049

Ted Strickland, Governor
March 27, 2009

www.drc.state.oh.us

Terry J. Collins, Director

Wendell Miller
830 Decatur St.
Sandusky, OH 44870

Re: Pre-Disability Separation Hearing

Dear Mr. Miller:

In light of a recently discovered procedural issue with your Involuntary Disability Separation, signed on December 30, 2008, and effective on January 7, 2009, this letter will serve as notice that the above noted Order of Removal, Reduction, Suspension, Fine, Involuntary Disability Separation (ADM 4055) is hereby rescinded.

Furthermore, in an effort to correct this procedural deficiency, and as part of our effort to evaluate your employment status with the Department of Rehabilitation and Correction, you are being scheduled for a Pre-Separation Hearing on Tuesday, April 14, 2008 at 9:00 A.M. in the Warden's office.

The purpose of this hearing is to determine whether disability separation from employment is warranted. You will have an opportunity to provide any medical or other relevant documentation pertaining to the extent of your disability/injury position.

This hearing is **NOT** a disciplinary proceeding. The focus will be on updating your medical recovery status and evaluating your fitness for duty.

If you wish to waive your right to this hearing, please submit written notification to Mr. Shutek prior to April 13, 2008.

If you have any questions, please contact Rick Shutek, Labor Relations Officer at 440.748.1049 extension 212.

Sincerely,

Marc C. Houk
Warden
Lorain Correctional Institution

/cac

