

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

Phyllis Bragg,

*Appellant,*

v.

Case No. 09-IDS-06-0295

Department of Rehabilitation and Correction,  
Richland Correctional Institution,

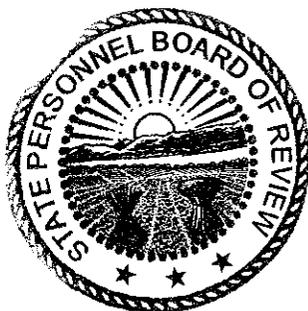
*Appellee.*

**ORDER**

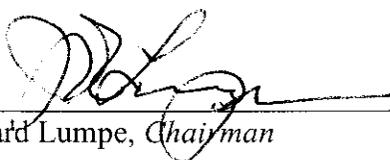
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal be **DISMISSED** as untimely filed pursuant to O.A.C. § 124-1-03(A).



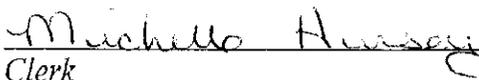
Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

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

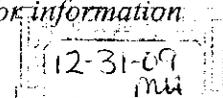
**CERTIFICATION**

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, December 31, 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.



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

Phyllis Bragg,

Case No. 09-IDS-06-0295

*Appellant*

v.

September 29, 2009

Department of Rehabilitation & Correction,  
Richland Correctional Institution,

Jeannette E. Gunn  
*Administrative Law Judge*

*Appellee*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration September 29, 2009, upon a review of the information contained in the record. Appellee filed a response to this Board's September 3, 2009, Procedural Order on September 17, 2009. Appellant filed no memorandum *contra*.

Based upon the uncontroverted evidence contained in the record, I find that Appellant was involuntarily disability separated from her employment with Appellee, effective May 18, 2009. I further find that she received notice of such separation on May 16, 2009, by certified mail. Appellant filed the instant appeal on June 8, 2009.

The State Personnel Board of Review is without jurisdiction to hear this appeal because Appellant's appeal of her involuntary disability separation was not filed within ten (10) calendar days after she received notice of the action, as required by Ohio Administrative Code Section 124-1-03(A)

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** as untimely.

  
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Jeannette E. Gunn  
*Administrative Law Judge*