

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

Kristin Riale,

Appellant.

v.

Case No. 09-REM-12-0528

Miami County Common Pleas Court,

Appellee

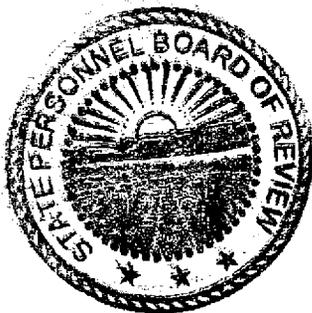
ORDER

This matter came on for consideration upon Appellant's filing of an appeal from her removal from the position of Assistant Adult Probation Officer with Appellee, Miami County Common Pleas Court. The record reflects that Appellant received actual notice of her removal from Appellee on September 25, 2009 and filed the instant appeal with this Board on December 22, 2010.

Appellant did not receive an R.C. 124.34 Order of Removal pertinent to the instant appeal. O.A.C. 124-1-03 (I), which covers the time limits at issue herein, sets forth a 30-day time limit for filing an appeal after the time an Appellant receives actual notice of the action.

O.A.C. 124-1-02 (M) defines "notice", for our purposes here, as the date of receipt of the employee, in writing, of the action. Self-evidently, since Appellant received actual notice in writing on or about September 25, 2009 but did not file her appeal until December 22, 2009, she has far exceeded the 30-day time limit set forth in O.A.C. 124-1-03 (I) and, for this reason, her appeal should be dismissed.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** as untimely filed, pursuant to O.A.C. 124-1-03 (I).



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, March 23, 2010.

Diana M. ...
Clerk

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

