

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

REBECCA BUTCHER,

*Appellant,*

v.

Case No. 11-REM-05-0126

WARREN COUNTY BOARD OF COMMISSIONERS,

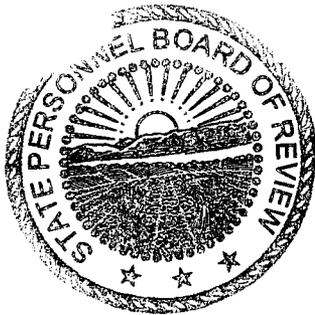
*Appellee*

**ORDER**

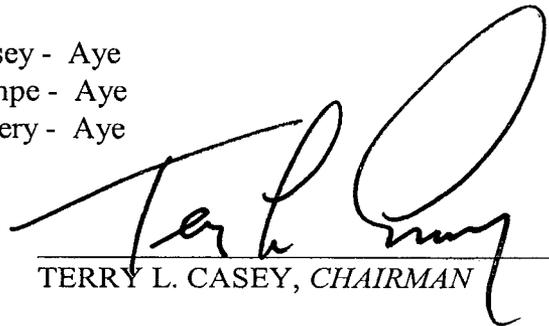
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellant's appeal be **DISMISSED** due to a lack of a justiciable issue, since Appellant's convictions of five requisite felony counts deprives her of her classified civil service status, pursuant to O.R.C. § 124.34.



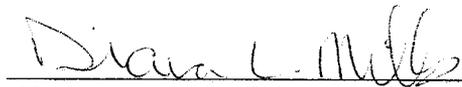
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
TERRY L. CASEY, 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 constitutes ~~(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, November 2, 2012.

  
Clerk

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

11-6-12

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

Rebecca Butcher

Case No. 11-REM-05-0126

*Appellant*

v.

September 19, 2012

Warren County Board of Commissioners

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

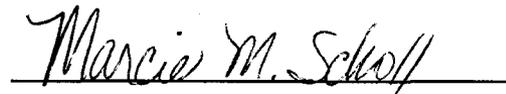
This cause comes on for consideration upon the filing of a notice of appeal on April 25, 2011 by Appellant Butcher regarding her removal from her position as Eligibility Referral Specialist Supervisor with the Warren County Job and Families Services, effective April 18, 2011. This matter was scheduled for a record hearing but was continued at the request of Appellant Butcher. The continuance was granted and the case was continued and stayed due to the fact that criminal charges were pending against Appellant Butcher.

On July 30, 2012, Appellee responded to this Board's Procedural Order requesting an update on the criminal charges. Appellee responded with documentation to evidence that on July 19, 2012, Appellant Butcher pled guilty to three counts of Theft in Office and two counts of Tampering with Records, all felonies of the third degree. She was sentenced to a total of four years (48 months) in the penitentiary and is currently serving that term. To date, Appellant Butcher has not filed any documents with this Board to contradict any of the above information.

Section 124.34(A) of the Ohio Revised Code provides that a person convicted of a felony immediately forfeits his or her status as a classified employee and cannot hold any public employment on or after the date of conviction for the felony. The statute continues to state that if any employee is removed under section 124.34 of the Ohio Revised Code for the same conduct that was the basis of a felony conviction, then the employee is barred from receiving any compensation after the removal notwithstanding any modifications or disaffirmance of the removal unless the conviction for the felony is subsequently reversed or annulled.

Rebecca Butcher  
Case No. 11-REM-05-0126  
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Therefore, since Appellant Butcher has been convicted of five felony counts and is currently in the penitentiary, by operation of the above statute, there is no remedy which this Board could grant to her even if she were to prevail on her appeal. Pursuant to section 124.34 of the Ohio Revised Code, she has forfeited her status as a classified employee, cannot hold any public employment and cannot receive any compensation after the date of removal from public employment. Based on those considerations, it is my **RECOMMENDATION** that this appeal be **DISMISSED** due to a lack of a justiciable issue pursuant to section 124.34 of the Ohio Revised Code.

A handwritten signature in cursive script, reading "Marcie M. Scholl", is written over a horizontal line.

Marcie M. Scholl  
*Administrative Law Judge*

:mms