

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

JULI LAMBERT,

Appellant,

Case No. 12-IDS-09-0198

v.

DEPARTMENT OF REHABILITATION AND CORRECTION,
MANSFIELD CORRECTIONAL INSTITUTION,

Appellee

ORDER

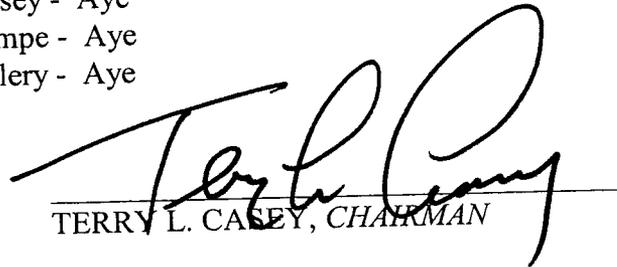
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 there is no justiciable issue present and this matter has been rendered moot.



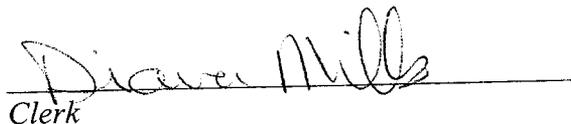
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, December 20, 2012.


Clerk

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

12/20/12

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

Juli Lambert

Case No. 12-IDS-09-0198

Appellant

v.

October 30, 2012

Department of Rehabilitation & Correction,
Mansfield Correctional Institution

Appellee

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon Appellant's filing of an appeal on September 13, 2012 regarding her alleged involuntary disability separation. This Board issue a Procedural Order and Questionnaire on September 21, 2012 and Appellee responded to the Questionnaire on October 5, 2012. To date, Appellant Lambert has not filed an optional reply to the Questionnaire.

Appellee, in answer to the question of "On what date was Appellant involuntarily disability separated?" stated as follows:

Appellant has not been involuntarily disability separated. Her separation was to be effective September 23, 2012. Prior to the effective date of her separation, Appellant was recalled to Marion Correctional Institution. She will be transferred, as opposed to being separated, from Mansfield Correctional Institution to Marion Correctional Institution. (See 18.17 Agreement, attached as State's Exhibit A).

Attached to Appellee's Response, as State's Exhibit A, was a copy of an agreement between Appellee and OCSEA/AFSCME, Local 11 and signed by Appellant Lambert on October 2, 2012. The agreement essentially states that effective October 21, 2012, Appellant Lambert will be working as a Correction Officer at Marion Correctional Institution since she "was released by her physician to full duty effective October 2, 2012, thereby allowing her to accept recall....".

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Appellant Lambert has not filed any documentation with this Board to refute any of the above assertions by Appellee. Therefore, based on the above documentation, it appears that Appellant Lambert was never placed on involuntary disability separation and that there is no justiciable issue before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** as there is no justiciable issue present and this matter has been rendered moot.



Marcie M. Scholl
Administrative Law Judge

:mms