

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

MATTHEW FRENCH,

*Appellant,*

v.

Case No. 12-REM-05-0099

OHIO STATE UNIVERSITY,

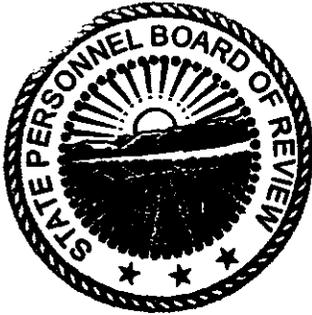
*Appellee*

**ORDER**

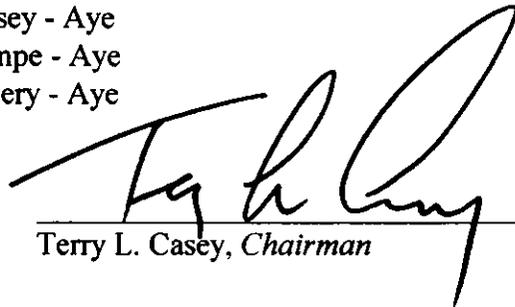
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, including 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 is **DISMISSED**.



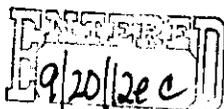
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

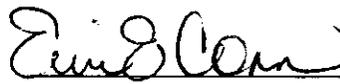
  
Terry L. Casey, *Chairman*

**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 September 20 2012.



  
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**

Matthew French,

Case No. 12-REM-05-0099

*Appellant*

v.

August 3, 2012

Ohio State University,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on pursuant to Appellee's Notice of 124.34 Order filed with this Board on July 23, 2012. Appellee asserts therein that Appellant's initial removal effective May 2, 2012, from which the instant appeal was filed, has been rescinded by Appellee. Attached to Appellee's Notice is a copy of a "124.34 Order" removing Appellant from his position of Psychiatric Care Technician effective July 21, 2012. Appellee provided information to establish that such notification was provided to Appellant by certified mail and that Appellant received the notification on July 18, 2012.

Because the employment action upon which this appeal was premised, i.e. Appellant's May 2, 2012, removal, has been rescinded, there remains no issue over which this Board may exercise its jurisdiction. At his discretion, Appellant may choose to pursue a new cause of action stemming from his July 23, 2012, removal from employment with Appellee.

Therefore, pending submission of proof to this Board by Appellee that Appellant was compensated for any back pay and benefits accruing between his original date of removal and July 21, 2012, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**.

  
Jeannette E. Gunn  
*Administrative Law Judge*