

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

KATHLEEN SCHWEINSBERG,

Appellant,

v.

Case No. 12-REM-07-0165

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 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 this appeal be **DISMISSED** due to Appellee's rescission of the employment action that forms the basis for the appeal, pursuant to Ohio Administrative Code § 124-3-03(C).



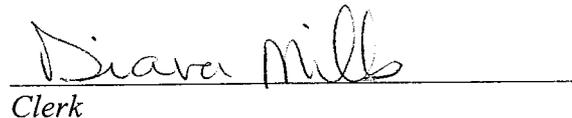
Casey - Aye
Lumpe - Aye
Tillery - Aye


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**

Kathleen Schweinsberg,

Case No. 12-REM-07-0165

Appellant

v.

October 10, 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 filing of a notice of rescission of the R.C. 124.34 Order of Removal issued to Appellant effective July 19, 2012, from which Appellant filed the instant appeal. Appellee provided documentary evidence to establish such rescission, as well as its notification to Appellant indicating that her benefits and back wages would be reinstated effective July 20, 2012.

Appellee further provided documentary evidence to establish that a second R.C. 124.34 Order of Removal was subsequently issued to Appellant, effective September 30, 2012. That action may constitute grounds for a separate appeal, should Appellant wish to file such an appeal with this Board.

Therefore, because the employment action which forms the basis for the instant appeal has been rescinded by Appellee, I find that there remains no justiciable issue in this matter. Upon receipt of documentation from Appellee demonstrating that the benefits and back wages accrued by Appellant for the time period of July 20, 2012, through September 29, 2012, have been provided to Appellant, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.



Jeannette E. Gunn
Administrative Law Judge