

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

PAMELA A. MURALT,

Appellant,

v.

Case No. 12-WHB-04-0080

CITY OF MOUNT VERNON,

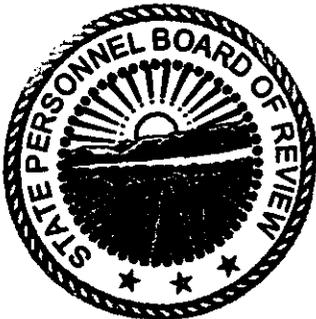
Appellee

ORDER

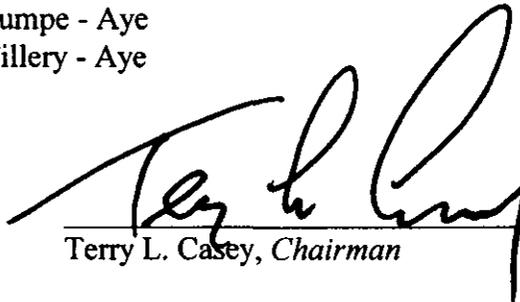
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED** due to the untimely filing of the appeal pursuant to Ohio Revised Code Section 124.341.



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, July 02, 2012.




Erin E. Conner
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**

Pamela Muralt

Case No. 12-WHB-04-0080

Appellant

v.

May 25, 2012

City of Mount Vernon

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration May 25, 2012, upon Appellant's filing of a whistleblower appeal.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within thirty (30) calendar days after Appellant received notice of her disciplinary action, as required by section 124.341(D) of the Ohio Revised Code. That section states as follows:

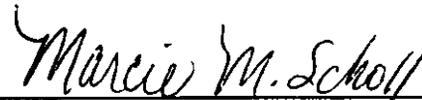
(D) If an appointing authority takes any disciplinary or retaliatory action against a classified or unclassified employee as a result of the employee's having filed a report or complaint under division (A) of this section, the employee's sole and exclusive remedy, notwithstanding any other provision of law, is **to file an appeal with the state personnel board of review within thirty days after receiving actual notice of the appointing authority's action.** (Emphasis added).

On Appellant Muralt's notice of appeal form, she indicated she was suspended from her position for a period of three (3) days and stated she received notice of such suspension on February 24, 2012. Therefore, pursuant to the above statute, she would have had thirty days from February 24, 2012, or until March 26, 2012 (the 30th day falls on March 25, which was a Sunday, so the time limit would have been advanced to the next business day, March 26, 2012) to timely file her

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notice of appeal. Her appeal was not filed with this Board until April 30, 2012, thereby making her appeal untimely and divesting this Board of jurisdiction.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** due to the untimely filing of the appeal pursuant to section 124.341 of the Ohio Revised Code.



Marcie M. Scholl
Administrative Law Judge

:mms