

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

LESLIE LEONARD,

Appellant,

v.

Case No. 13-IDS-03-0082

DEPARTMENT OF TRANSPORTATION,

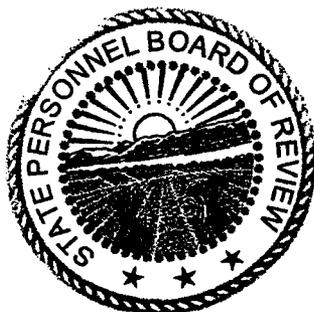
Appellee

ORDER

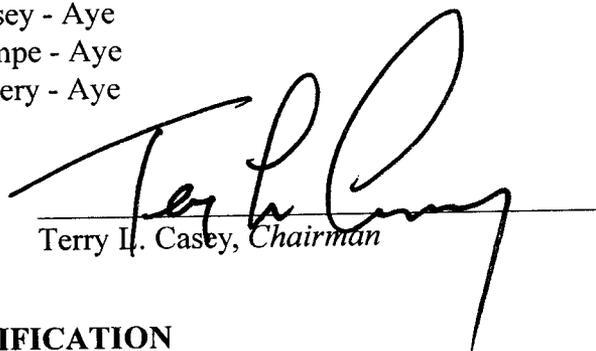
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** for lack of jurisdiction.



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry I. Casey, *Chairman*

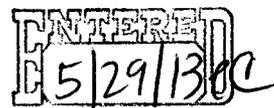
CERTIFICATION

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~~ 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, May 29, 2013.


Erin E. Conn
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**

Leslie Leonard,

Case No. 13-IDS-03-0082

Appellant

v.

April 10, 2013

Department of Transportation

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

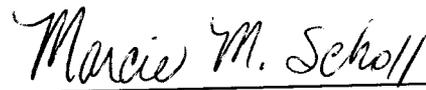
To the Honorable State Personnel Board of Review:

This matter came on for consideration April 10, 2013, upon Appellant's filing of an appeal of a removal.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within ten (10) calendar days after Appellant received notice of the involuntary disability separation, as required by Ohio Administrative Code Section 124-1-03(A). In the notice of appeal filed by Appellant Leonard, it states the notice of involuntary disability separation was received by Appellant Leonard on February 27, 2013. The notice of appeal was filed on March 22, 2013. To have been timely filed, the notice of appeal would have had to been received in the Board's offices within ten (10) calendar days of the date of receipt, or by March 9, 2013. Since March 9, 2013 fell on a Saturday, Appellant Leonard would have had until the next business day, or Monday, March 11, 2013, to timely file an appeal. Since the appeal was not filed until March 22, 2013, it is untimely and hence, this Board has no jurisdiction to consider the appeal.

LESLIE LEONARD
Case No. 13-IDS-03-0082
Page 2

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.



Marcie M. Scholl
Administrative Law Judge

:mms