

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Jodi Dawson,

*Appellant,*

v.

Case No. 2013-IDS-04-0092

Department of Youth Services Central Office,

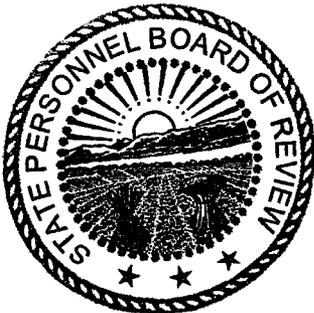
*Appellee.*

**ORDER**

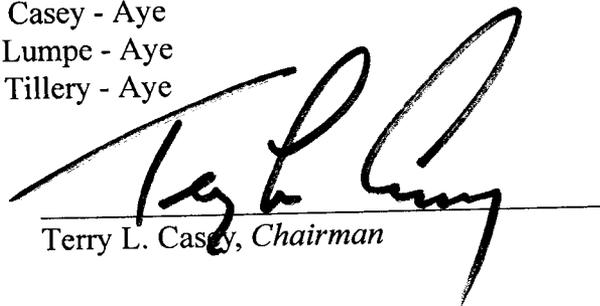
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** due to Appellant's receipt of Temporary Total Compensation as of the effective date of her Involuntary Disability Separation, pursuant to Ohio Revised Code Section 124.03.



Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
Terry L. Casey, *Chairman*

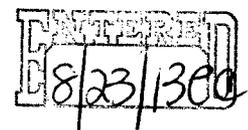
**CERTIFICATION**

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, AUGUST 23, 2013.

  
Erin E. Cona  
*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**

JODI DAWSON,

*Appellant*

v.

DEPARTMENT OF YOUTH SERVICES,  
CENTRAL OFFICE,

*Appellee*

Case No. 13-IDS-04-0092

May 17, 2013

JAMES R. SPRAGUE  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's April 2, 2013 filing of an appeal from Appellant's Involuntary Disability Separation (IDS) from her position as a Youth Specialist. On April 24, 2013, this Board issued a Procedural Order to Appellee containing questions concerning Appellant's employment status. On May 7, 2013, Appellee filed Appellee's response to that Procedural Order. On May 16, 2013, Appellant filed Appellant's reply to Appellee's response.

In its response and in the material attached thereto, Appellee demonstrates that **Appellant was receiving Temporary Total Compensation from the BWC on and around the effective date of the instant IDS**. Appellant's reply does not dispute this point.

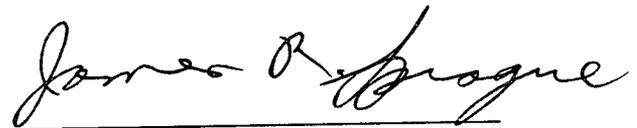
This Board has held numerous times that an Appellant's receipt of Temporary Total Compensation is an admission that an Appellant is incapable of performing the essential duties of the Appellant's position at the time of receipt of that Temporary Total Compensation. In the instant appeal, Appellant's receipt of Temporary Total Compensation on and around the effective date of Appellant's IDS bars her from claiming that she could have performed the essential duties of her position of Youth Specialist as of the effective date of the instant IDS.

An employee must be able to demonstrate this capability; in order for this Board to disaffirm an IDS Order on the merits or in order for an Appellant to succeed when applying for reinstatement. Because Appellant cannot demonstrate that she could perform her essential duties as of the effective date of her IDS (due

JODI DAWSON  
Case No. 13-IDS-04-0092  
Page 2

to her receipt of Temporary Total Compensation at that same time), the instant matter should be dismissed.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal due to Appellant's receipt of Temporary Total Compensation as of the effective date of her Involuntary Disability Separation, pursuant to R.C. 124.03.



---

JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: