

**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

Lisa McAfee-Cayot,

*Appellant,*

v.

Case No. 2013-IDS-07-0167

Department of Rehabilitation & Correction,  
Ohio Reformatory For Women,

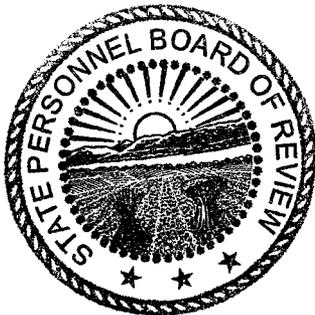
*Appellee.*

**ORDER**

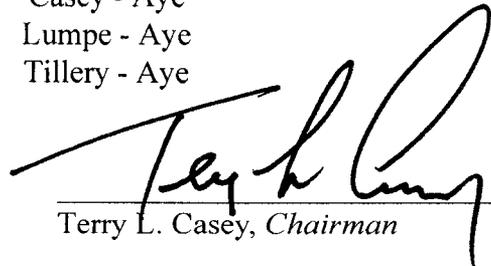
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 this appeal is **DISMISSED** due to a lack of a justiciable issue.



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 18, 2013.

  
\_\_\_\_\_  
Clerk

**NOTE:** Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

12/18/13ec

**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

Lisa McAfee-Ccayot,

Case No. 2013-IDS-07-0167

*Appellant*

v.

November 18, 2013

Ohio Reformatory for Women  
Department of Rehabilitation & Correction

*Appellee*

Marcie M. Scholl  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration on November 18, 2013, upon Appellee's Response to this Board's questionnaire, filed on August 14 and 23, 2013; Appellant's Response to Procedural Order, filed on August 23, 2013; and Appellee's Supplemental Response to Procedural Order, filed on October 17, 2013. Appellant McAfee-Cayot did not file a reply to Appellee's Supplemental Response.

Appellee's response to the questionnaire indicates Appellant McAfee-Cayot was placed on involuntary disability separation effective July 5, 2013. Attached to the Supplemental Response is a printout showing Compensation Payment History from the Bureau of Workers Compensation. That document evidences that as of July 5, 2013, Appellant McAfee-Cayot was receiving Temporary Total benefits from Workers Compensation. The document also evidences that Appellant McAfee-Cayot has been receiving Temporary Total benefits covering the period of June 24, 2013 through October 5, 2013.

If this Board were to conduct a hearing on Appellant McAfee-Cayot's appeal of being placed on involuntary disability separation, the evidence that this Board would be looking at is if Appellant McAfee-Cayot could perform the essential duties of her position as of the effective date of the involuntary disability separation, or July 5, 2013. The answer to that question has to be "NO" as she was receiving Temporary Total benefits from the Bureau of Workers Compensation as of that date. For

Lisa McAfee-Cayot  
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Appellant McAfee-Cayot to come before this Board and argue that she could perform the essential duties of her position while at the same time collecting benefits from the Bureau of Workers Compensation would be tantamount to fraud.

At such time as Appellant McAfee-Cayot is released from a doctor to return to work, she can apply for reinstatement with Appellee and if she is denied reinstatement, then she can appeal such denial of reinstatement to this Board.

Inasmuch as Appellant McAfee-Cayot was receiving Temporary Total workers compensation benefits as the effective date of her involuntary disability separation, it is my **RECOMMENDATION** that this appeal be **DISMISSED** due to a lack of a justiciable issue.



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Marcie M. Scholl  
*Administrative Law Judge*

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