

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Vanessa R. Cosby,

Appellant,

v.

Case No. 2013-REM-07-0182

Ohio State University,

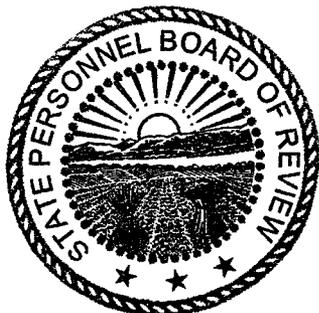
Appellee.

ORDER

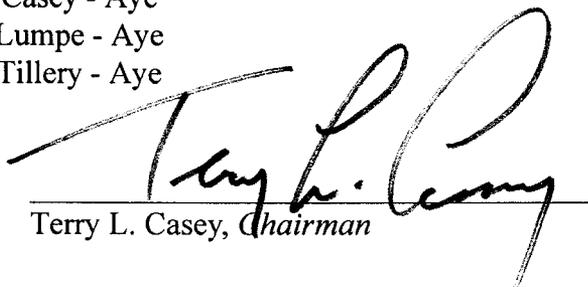
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the 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 a lack of jurisdiction pursuant to Ohio Revised Code Section 124.34.



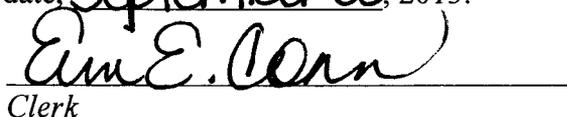
Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

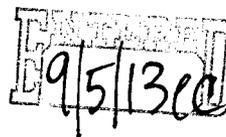
CERTIFICATION

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, September 05, 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**

Vanessa R. Cosby

Case No. 2013-REM-07-0182

Appellant

v.

August 2, 2013

Ohio State University

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

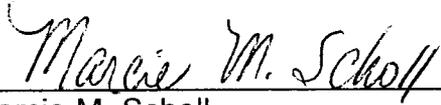
This matter came on for consideration August 2, 2013, upon Appellant's filing of an appeal of her removal.

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 following the date on which the order of removal was served on the employee, as required by Ohio Revised Code Section 124.34.

In her notice of appeal, Appellant Cosby indicated she received notice of her removal on June 27, 2013, with an effective date of July 3, 2013. Pursuant to section 124.34 of the Ohio Revised Code, an employee has ten (10) days from the date he or she is served with notice of a removal to file a timely appeal with this Board. Ten days from June 27, 2013 is July 7. Since July 7, 2013 fell on a Sunday, the time limit is extended to the next business day, or July 8, 2013. Appellant Cosby's notice of appeal was not filed with this Board until July 11, 2013, thus making it untimely.

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Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** pursuant to a lack of jurisdiction under section 124.34 of the Ohio Revised Code.



Marcie M. Scholl
Administrative Law Judge

:mms