

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

Claudia Bodey,

Appellant,

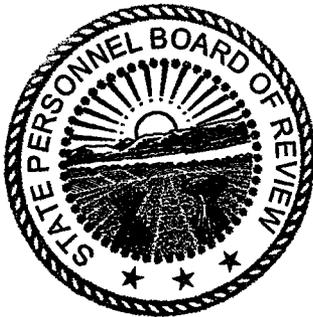
v.
Ohio Veterans Home,

Case No. 2013-SUS-07-0164

Appellee.

ORDER

This matter came on for consideration on the motion of Appellee that the Rescission attached hereto be adopted. Being fully advised in the premises, the Board hereby orders that the attached Rescission of Appellant's Discipline, incorporated herein by reference and made a part of the case file in this appeal, is **ADOPTED**, and that Appellant's appeal is **DISMISSED**.



Casey - Aye
Lumpe - Aye
Tillery - Aye



Terry L. Casey, *Chairman*

CERTIFICATION

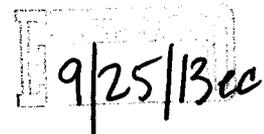
The State of Ohio, State Personnel Board of Review, ss:

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 25, 2013.



Clerk

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



STATE PERSONNEL
BOARD OF REVIEW
2013-10-11 09:00

BEFORE THE STATE PERSONNEL BOARD OF REVIEW

CLAUDIA BODEY, :
Appellant, : CASE NO. 13-SUS-07-0164
v. : JAMES R. SPRAGUE
OHIO VETERANS HOME, : Administrative Law Judge
Appellee. :

NOTICE OF RESCISSION OF DISCIPLINE

Appellee, Ohio Veterans Home, by and through the undersigned counsel, hereby gives notice to the Board of its rescission of the forty hour (five-day) suspension upon which Appellant brought this appeal. Accordingly, Appellee respectfully submits that, for reasons more thoroughly explained in the attached Memorandum in Support, the Board no longer has jurisdiction to consider and should dismiss this appeal

Respectfully submitted,
MIKE DEWINE (0009181)
Ohio Attorney General


SLOAN T. SPALDING (0068054)
Principal Assistant Attorney General
Employment Law Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 644-7257 - Telephone
(614) 752-4677 - Facsimile

ENTERED
10/30/13

MEMORANDUM IN SUPPORT

I. Background information.

Ms. Bodey is employed by the Ohio Veterans Home ("OVH") in their human resources division as a Human Capital Management Associate. In that position, Ms. Bodey is eligible for overtime wages.

On May 29, 2013, Ms. Bodey was issued a forty hour (five-day) suspension for violating a work rule. Following her receipt of the notice of the suspension, she timely filed an appeal with the Board. Upon review of the process utilized and type of notice provided by the OVH in issuing Ms. Bodey's suspension, OVH elected to rescind her forty hour (five-day) suspension and reinstate her compensation, leave and benefits.

II. The Board no longer has jurisdiction to consider this appeal.

As set forth in the attached affidavit, OVH has already effectuated the rescission of Ms. Bodey's May 29, 2013, forty-hour suspension and made whole her lost compensation, vacation and leave benefits. Being that the Board may only assert jurisdiction over appeals regarding the suspension of "more than twenty-four work hours" of "employees required to be paid overtime" (See Section 124.34(B) of the Ohio Revised Code), OVH respectfully submits that the Board should dismiss Ms. Bodey's appeal..

Respectfully submitted,

MIKE DEWINE (0009181)
Ohio Attorney General



SLOAN T. SPALDING (0068054)
Principal Assistant Attorney General
Employment Law Section
30 East Broad Street, 23rd Floor
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Notice of Rescission of Discipline* was served upon Claudia Bodey, 1007 E. Bogart Rd., 6C, Sandusky, Ohio 44870; by ordinary U.S. Mail, postage prepaid this 30th day of August, 2013.

A handwritten signature in black ink, appearing to read "Sloan T. Spalding", written in a cursive style.

SLOAN T. SPALDING (0068054)
Principal Assistant Attorney General