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

Denell Kenny-Vadala,

*Appellant,*

v.

Case Nos. 2014-ABL-08-0187
2014-ABL-09-0240

Youngstown State University,

*Appellee,*

## ORDER

These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the entirety of the records, 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 appeals are dismissed

Casey - Aye
Tillery - Aye
McGregor - 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 07, 2016.

*Clerk*

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

# NOTICE

Where applicable, this Order may be appealed under the provisions of Chapters 124 and 119 of Ohio Revised Code. An original written Notice of Appeal or a copy of your Notice of Appeal setting forth the Order appealed from and the grounds of appeal must be filed with this Board fifteen (15) days after the mailing of this Notice. Additionally, an original written Notice of Appeal or a copy of your Notice of Appeal must be filed with the appropriate court within fifteen (15) days after the mailing of this Notice. At the time of filing the Notice of Appeal or copy of your Notice of Appeal with this Board, the party appealing must provide a security deposit to the Board. In accordance with administrative rule 124-15-08 of the Ohio Administrative Code, the amount of deposit is based on the length of the digital recording of your hearing and the costs incurred by the Board in certifying your case to court. The length of the digital recording, the costs incurred, the corresponding amount of deposit required, and the final date that the Notice of Appeal or copy of your Notice of Appeal and the Deposit will be accepted by this Board are listed at the bottom of this Notice. If a full or partial transcript of the digital recording has been prepared prior to the filing of an appeal, the costs of a copy of that certified transcript will be accepted by this Board; transcript costs will be listed at the bottom of this Notice.

IF YOU ELECT TO APPEAL THIS BOARD'S FINAL ORDER, THEN YOU MUST PROVIDE THE DEPOSIT LISTED BELOW AT THE TIME YOU FILE YOUR NOTICE OF APPEAL OR COPY OF YOUR NOTICE OF APPEAL WITH THIS BOARD. Please note that the law provides that you have fifteen (15) calendar days from the mailing of the final Board Order to file your Notice of Appeal or copy of your Notice of Appeal both with this Board and with the Court of Common Pleas. The fifteenth day is the date that appears at the bottom of this Notice.

METHOD OF PAYMENT: for all entities other than State agencies, payment of the deposit must be by money order, certified check, or cashier's check. State agencies are required to use the Intra-State Transfer Voucher (ISTV) system (OBM Form 7205), which must be processed prior to the filing of an appeal. To initiate an ISTV, State agencies may call the State Personnel Board of Review Fiscal Office at 614/466-7046.

IF YOU MAINTAIN YOU CANNOT AFFORD TO PAY THE DEPOSIT LISTED BELOW, THEN YOU MUST COMPLETE THE BOARD'S "AFFIDAVIT OF INDIGENCE" FORM. YOU CAN OBTAIN THAT FORM BY CALLING 614/466-7046. THE COMPLETED AFFIDAVIT MUST BE RECEIVED BY THIS BOARD ON OR BEFORE September 14, 2016. You will be notified in writing of the Board's determination. If the Board determines you are indigent, you will be relieved of the responsibility to pay the deposit to the Board. However, if the Board determines you are NOT indigent, then YOU MUST FILE YOUR NOTICE OF APPEAL OR A COPY OF YOUR NOTICE OF APPEAL AND PAY THE DEPOSIT BY THE DATE LISTED BELOW.

**If you have any questions regarding this notice, please contact the Board at 614/466-7046.**

Case Number: 2014-ABL-08-0187, 0240

Transcript Costs: N/A Administrative Costs: $25.00

Total Deposit Required: * $25.00

Notice of Appeal and Deposit Must
Be Received by SPBR on or Before: September 22, 2016

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

| | |
|---|---|
| Ashleigh Young | Case Nos. 2014-ABL-06-0137<br>2014-ABL-07-0159<br>2014-ABL-08-0239 |
| *Appellant* | |
| v. | May 13, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Young held an Administrative Assistant 1 position in Kilcawley Center and was displaced by Cheryl Massaro. Appellant Young resigned her position effective October 23, 2014.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Cynthia Bella | Case No. 2014-ABL-07-0178 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Bella held an Administrative Assistant 4 position in the Bursar's Office and was displaced by Steve Lucivjansky. Due to the displacement, Appellant bumped into an Administratvie Assistant 3 position at WYSU-FM that was previously held by Laurie Wittkugle. She lost pay as a result of her displacement.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Jean Grabaskas | Case No. 2014-ABL-07-0180 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Grabaskas held an Executive Secretary 1 position in the Dean's Office, College of Education and was displaced by Chris Bidwell. Appellant Grabaskas displaced into a Secretary 1 position previously held by Jenifer Miller. Due to the displacement, Appellant Grabaskas lost pay as a result of being moved from Executive Secretary 1 to Secretary.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Denell Kenny-Vadala | Case Nos. 2014-ABL-08-0187<br>2014-ABL-09-0240 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Kenny-Vadala held a part-time Secretary position in the Community Counseling Clinic and was displaced by Darlene Aliberti. Due to the displacement, Appellant Kenny-Vadala was laid off.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Jenifer Miller | Case No. 2014-ABL-08-0189 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Miller held a Secretary position in STEM and was displaced by Jean Grabaskas. Due to the displacement, Appellant Miller bumped into a part-time Secretary position previously held by Wendy Welsh. Appellant Miller originally lost twenty (20) hours per week, but assumed additional duties and is working full-time.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Laurie Wittkugle | Case No. 2014-ABL-08-0206 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Wittkugle held an Administrative Assistant 3 position in WYSU-FM and was displaced by Cynthia Bella. Appellant Wittkugle displaced into an Administrative Assistant 2 position previously held by Cheryl Massaro. Due to the displacement, Appellant Wittkugle lost pay as a result of being moved from Administrative Assistant 3 to Administrative Assistant 2.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Wendy Welsh | Case Nos. 2014-ABL-08-0207<br>2014-ABL-08-0238 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Welsh held a part-time Secretary position in the Math Department and was displaced by Jenifer Miller. Due to the displacement, Appellant Welsh was laid off.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*

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

| | |
|---|---|
| Cheryl Massaro | Case No. 2014-ABL-08-0208 |
| *Appellant* | |
| v. | May 17, 2016 |
| Youngstown State University | |
| *Appellee* | Marcie M. Scholl<br>*Administrative Law Judge* |

## REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration due to Appellant's filing of an appeal of displacement. Inasmuch as Appellant was displaced due to the abolishment of another employee's position and not because of the abolishment of Appellant's position, Appellant cannot challenge the rationale of the abolishment of the position which resulted in Appellant's displacement. The only premise on which Appellant can appeal is a disagreement with the retention point calculation or the pre-positioning of an employee such that would adversely affect the displacement rights accorded to Appellant.

In a telephone conference call between this Administrative Law Judge and counsel for both parties, on May 11, 2016, Appellant's counsel reiterated the stipulations the parties had entered into and confirmed in a November 23, 2015 email between them that Appellant would not be challenging the retention point calculation nor raising any issue of pre-positioning.

The parties stipulated that Appellant Massaro held an Administrative Assistant 2 in STEM and was displaced by Laurie Wittkugle. Due to the displacement, Appellant Massaro bumped into the Administrative Assistant 1 position previously held by Ashleigh Young. As a result of the displacement, Appellant Massaro lost pay.

A record hearing was held on December 8 and 9, 2015, in the cases of the employees whose positions were abolished. This Administrative Law Judge has recommended the affirmance of those abolishments. Thus, since the Appellant in the instant case is not raising the issue of retention point calculation nor a pre-positioning issue, the displacement of Appellant is moot by virtue of the fact that there is no justiciable issue present before this Board.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED.**

Marcie M. Scholl

Marcie M. Scholl
*Administrative Law Judge*