

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

Buffy Andrews,

*Appellant,*

v.

Case No. 2014-INV-02-0034

Ohio Department of Veterans Services,

*Appellee,*

**ORDER**

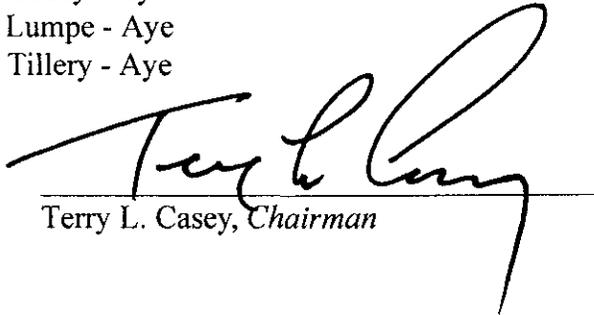
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 request for an investigation is **DISMISSED**, pursuant to O.A.C. 124-11-13 (B).



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, January 28, 2015.

  
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 February 4, 2015.** 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-INV-02-0034

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: February 12, 2015

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

Buffy Andrews

Case No. 2014-WHB-02-0054<sup>34</sup>

*Appellant*

v.

November 18, 2014

Ohio Department of Veterans Services

James R. Sprague

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's February 10, 2014 filing of a removal appeal, a whistleblower appeal, and *a request for an investigation*. On May 21, 2014, a pre-hearing was conducted in these matters.

On August 11, 2014, this Board issued a letter to Appellee. That letter noted that, on June 11, 2014, Appellant filed a pleading related to Appellant's then-pending whistleblower appeal. The letter, therefore, requested that Appellee provide a detailed response regarding any issue identified in Appellant's afore-mentioned pleading that would be impacted by this Board's investigatory jurisdiction found in R.C. 124.56.

On September 4, 2014, Appellee filed Appellee's Response to Appellant's Request for an Investigation and Motion to Dismiss, a Memorandum in Support, the Affidavit of Jacqueline Leisenheimer, Appellee's Human Resources Director, and supporting documentation. To ensure that a full and fair record would be created concerning this request for an investigation, on September 8, 2014, this Board issued a letter (and accompanying attachments) requesting that Appellant file a Reply to Appellee's Response and Motion to Dismiss, on or before September 29, 2014.

Since it appeared that Appellant's counsel did not receive this September 8, 2014 letter and accompanying attachments, on September 30, 2014, this Board

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issued a Procedural Order. That Procedural Order instructed Appellant to file with this Board and with Appellee **on or before October 30, 2014**:

... a full presentation of Appellant's allegations regarding Appellant's claim that Appellee has violated pertinent provisions of R.C. Chapter 124. In that same pleading, Appellant shall also identify any and all provisions of R.C. Chapter 124. Appellant believes Appellee violated. (September 30, 2014 issued Procedural Order at paragraph 2.)

In spite of providing additional time to Appellant to file her Response to this Board's September 30, 2014 issued Procedural Order, to date, Appellant has not done so.

O.A.C. 124-11-13 (B) provides this Board with authority to dispose of a case when a party does not comply with a Procedural Order issued by this Board. In the instant request for an investigation, it appears that Appellant has determined to seek other avenues of potential remedy to address her claims and, accordingly, has chosen not to file a Response to this Board's September 30, 2014 issued Procedural Order. For this reason, the instant request for an investigation should be dismissed.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant request for an investigation, pursuant to O.A.C. 124-11-13 (B).



James R. Sprague  
*Administrative Law Judge*