

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

Crisann Holmes,

Appellant,

v.

Case No. 2015-FRN-05-0064

Darke County Board of Developmental Disabilities,

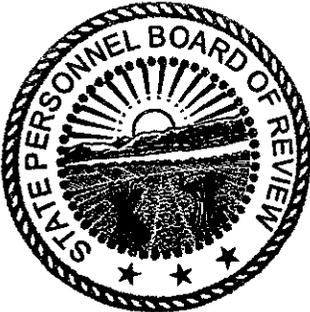
Appellee,

ORDER

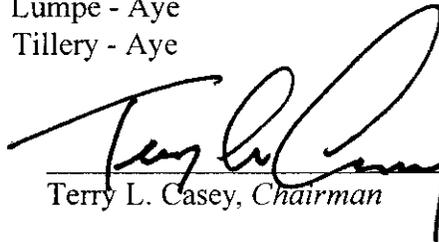
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED**, due to Appellant's failure to comply with the requirements set forth in O.A.C. 124-7-11 (A) (2) and (C) and due to Appellant's being in her probationary period when she resigned, pursuant to R.C. 124.27 (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, August 17, 2015.



Erin Elton
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 August 24, 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: 2015-FRN-05-0064

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 1, 2015

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

Crisann Holmes

Case No. 2015-FRN-05-0064

Appellant

v.

July 10, 2015

Darke County Board of
Developmental Disabilities

James R. Sprague
Administrative Law Judge

Appellee

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's May 18, 2015 filing of an appeal from what Appellant alleges was her forced resignation from her position of Employment Specialist with Appellee, Darke County Board of Developmental Disabilities. In her May 18, 2015 filing, Appellant further asserts that Appellee presented her with the choice to resign or face possible termination; even though, she further asserts, Appellee had no reasonable basis for threatening to remove Appellant.

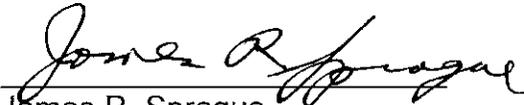
On June 1, 2015, this Board issued a Procedural Order and accompanying alleged forced resignation Questionnaire. Those documents instructed Appellee to file its response on or before June 24, 2015. They also provided Appellant with the opportunity to file her optional reply to Appellee's response, within 10 days after Appellee filed that response.

On June 19, 2015, Appellee timely filed its response to the afore-referenced Procedural Order and Questionnaire. Additionally, on June 19, 2015, Appellee filed a motion to dismiss, memorandum in support, and accompanying pertinent exhibits. Appellee asserts therein that Appellant was serving in her probationary period when she resigned and, accordingly, that this Board lacks jurisdiction over the subject matter of the instant appeal.

On June 23, 2015, Appellant did file Appellant[s] Request for Production of Documents and Witnesses and Evidence of any Disparate Treatment Dispute. However, Appellant, has not, to date, filed her memorandum *contra* to Appellee's motion to dismiss. Thus, Appellant has failed to comply with the requirements set forth in O.A.C. 124-11-07 (A) (2) and (C). Further, it appears Appellant has chosen to forego her opportunity to file her optional reply to Appellee's response to this Board's June 1, 2015 issued Procedural Order and Questionnaire.

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Therefore, I respectfully **RECOMMEND** that State Personnel Board of Review **DISMISS** the instant appeal, due to Appellant's failure to comply with the requirements set forth in O.A.C. 124-7-11 (A) (2) and (C) and due to Appellant's being in her probationary period when she resigned, pursuant to R.C. 124.27 (B).


James R. Sprague
Administrative Law Judge