

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

Michelle Pruchnicki,

*Appellant,*

v.

Case No. 2016-MIS-08-0161

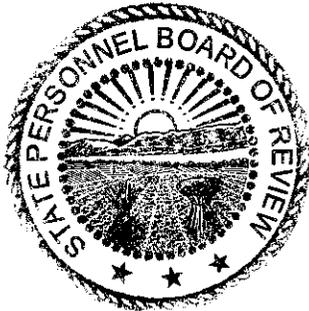
Erie County Board of Health,

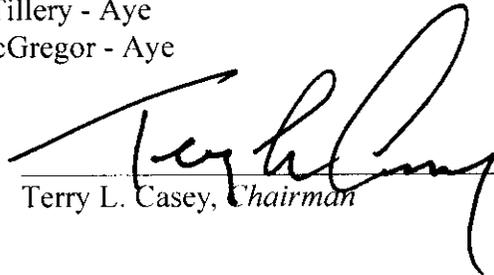
*Appellee,*

**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, 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  
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, November 14, 2016.

  
Erin E. Coon  
*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 November 21, 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: 2016-MIS-08-0161

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: November 29, 2016

10-26

STATE OF OHIO  
PERSONNEL BOARD OF REVIEW

Michelle Pruchnicki	:	Case No. 16-MIS-08-0161
	:	
Appellant	:	Administrative Law Judge Raymond M. Geis
	:	
v	:	Terry R. Griffith (0039756) Terry R. Griffith Co., LPA Assigned Counsel for Appellee 817 Seneca Ave.
Erie County Health Department	:	Huron OH 44839 (419) 433-4585 (419)616-3190 (Fax)
Appellee	:	<u>trg62@bex.net</u>

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NOTICE OF RESCISSION OF ACTION FINDING VOLUNTARY RESIGNATION

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The Erie County Health Department [Appellee] hereby files this notice of rescission of the voluntary resignation of Michelle Pruchnicki, L.P.N., which occurred at the regular Board meeting on October 25, 2016. A copy of the Board motion is herein attached and incorporated by reference as Exhibit A.

Respectfully Submitted:

/s/ Terry R. Griffith

Terry R. Griffith (0039756)  
Counsel for Appellee

10-26-16



**Erie County Health Department**  
*An Accredited Public Health Department*  
**Erie County Community Health Center**  
*A Federally Qualified Health Center*

**Peter T. Schade, MPH, RS**  
*Health Commissioner*



The Erie County Board of Health met in regular session on Tuesday, October 25, 2016, at 6:00 p.m.

The meeting was called to order by Linda Miller-Moore, President with the following members answering roll call: Ms. Miller-Moore, Dr. Bauer, Mr. Bulan, Dr. Cooper, Mr. Garrett, Mr. Holkenborg, Mr. Kaufman, Dr. Keller, Mr. Steinemann, and Ms. Thornhill.  
Absent: Ms. Darden

A motion was made by Mr. Garrett, seconded by Mr. Steinemann to rescind the acceptance of the voluntary resignation for Michelle Pruchnicki, Licensed Practical Nurse 1 and return her to employment effective July 26, 2016. Ms. Pruchnicki will be on leave without pay until such time as it is determined Ms. Pruchnicki has provided all original necessary documentation to the Erie County Health Department Human Resources Department; and, she has passed the mandated Corporate Health return to work examinations. Roll call. Motion carried.

Dr. Bauer	Yes	Mr. Kaufman	Yes
Mr. Bulan	Yes	Dr. Keller	Yes
Dr. Cooper	Yes	Mr. Steinemann	Yes
Mr. Garrett	Yes	Ms. Thornhill	Yes
Mr. Holkenborg	Yes	Ms. Miller-Moore	Yes

Respectfully submitted,

*Peter T. Schade, Sec'y to the Bd.*  
Peter T. Schade, MPH, RS  
Health Commissioner

I hereby certify that on the 26<sup>th</sup> day of October, 2016, before a Notary Public, in and for said state, personally appeared Peter T. Schade, and I witnessed the signing of this document.

*Kathy S. Bango*  
Kathy S. Bango, Notary Public  
State of Ohio, County of Erie

My commission expires September 19, 2017.

**Board of Health:** Linda Miller-Moore (Board President); Nancy Thornhill (President Pro-Tem); Richard R. Keller, MD; Michael D. Kaufman, Esq.; Marsha D. Cooper, MD; George E. Steinemann; Richard Bulan; Thelma Darden; Larry Holkenborg; Darwitt Garrett; Dina C. Bauer, DPM

PROOF OF FILING

I certify on the date of October 26, 2016, I filed the foregoing with the Ohio State Personnel Board of Review electronically at [spbr@spbr.state.oh.us](mailto:spbr@spbr.state.oh.us) at 4:45 pm.

/s/ Terry R. Griffith

Terry R. Griffith (0039756)  
Representative for Appellee

PROOF OF SERVICE

I hereby certify that a copy of the foregoing was served electronically on the following this 26<sup>th</sup> day of October, 2016:

Counsel for the Appellant

William Smith, Jr.  
Smith and Lehrer  
308 W. Adams Street  
Sandusky, Ohio 44870  
[wsmithjlehrer@sbcglobal.net](mailto:wsmithjlehrer@sbcglobal.net)

/s/ Terry R. Griffith

Terry R. Griffith, Esq.  
Counsel for Appellee