

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

Daniel Chuba,

Appellant,

v.

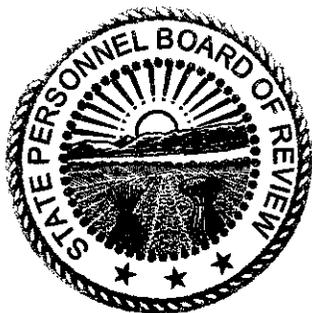
Case No. 2016-SUS-04-0056

Department of Rehabilitation & Correction,

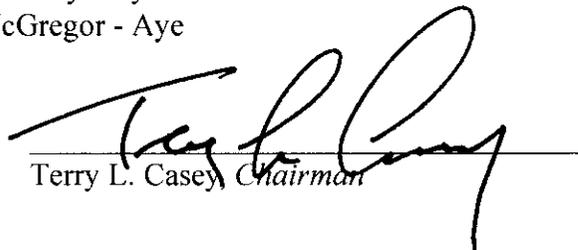
Appellee,

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**.



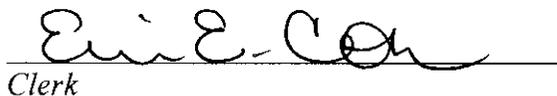
Casey - Aye
Tillery - Aye
McGregor - Aye


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, July 27, 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 August 3, 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-SUS-04-0056

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: August 11, 2016

BEFORE THE STATE PERSONNEL BOARD OF REVIEW
RESCISSOR
BOARD OF REVIEW

DANIEL CHUBA, :
Appellant, :
v. :
DEPARTMENT OF REHABILITATION AND :
CORRECTION, CENTRAL OFFICE, :
Appellee. :

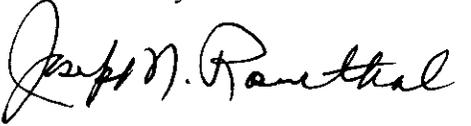
2016 JUN 28 AM 10:52
CASE NO. 2016-SUS-04-0056
RAYMOND M. GEIS
Administrative Law Judge

APPELLEE'S NOTICE OF RESCISSION OF R.C. §124.34 ORDER

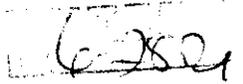
Appellee Department of Rehabilitation & Correction hereby serves notice of its rescission of the R.C. §124.34 order that is the subject of the appeal in the above-captioned matter, pursuant to Ohio Administrative Code §124-3-03(C). A copy of the letter, dated June 24, 2016, effectuating the rescission is attached as Exhibit A to this Notice.

Based upon the foregoing, Appellee respectfully requests that the above-captioned appeal be dismissed.

Respectfully submitted,

MIKE DEWINE (0009181)
Ohio Attorney General


JOSEPH N. ROSENTHAL (0018117)
Principal Assistant Attorney General
RYAN D. WALTERS (0076724)
Assistant Attorney General
Employment Law Section
30 East Broad Street, 23rd Floor
Columbus, Ohio 43215
(614) 644-7257 - Telephone
(614) 752-4677 - Facsimile
elsreview@ohioattorneygeneral.gov



CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Motion for Procedural Order* was served upon Daniel Chuba, 9363 Deer Ridge Road, Mentor, OH 44060, by ordinary U.S. Mail, postage prepaid this 28th day of June, 2016.

A handwritten signature in black ink, appearing to read "Joseph N. Rosenthal". The signature is written in a cursive style with a large initial "J".

JOSEPH N. ROSENTHAL (0018117)
Principal Assistant Attorney General

Ohio | Department of
Rehabilitation & Correction

Jahn R. Kasich, Governor
Gary C. Mohr, Director

June 24, 2016

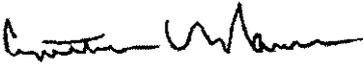
Daniel Chuba
Parole Services Supervisor

Re: Rescission of 10 day working suspension

Dear Mr. Chuba:

The ADM 4055 Order of ten (10) day working suspension you were served with on April 1, 2016 which was effective April 17-30, 2016 is hereby rescinded. You are hereby issued a forty (40) hour working suspension instead. The effective dates of the working suspension will be July 11-15, 2016 as noted on the attached Notice of Disciplinary Action.

Sincerely,

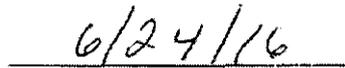


Cynthia Mausser
Managing Director
Ohio Dept. of Rehabilitation and Correction, Division of Parole and Community Services

Received by:

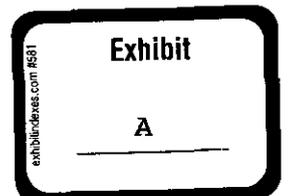


Daniel Chuba



Date

Copy to: Bureau of Labor Relations
Bureau of Personnel



John R. Kasich, Governor
Gary C. Mohr, Director

Ohio Department of Rehabilitation and Correction

Notice of Discipline

Employee: Daniel Chuba, Parole Services Supervisor	Date: 06/24/16
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This letter is to advise you that you are to be served a 40 hour working suspension.

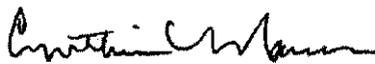
This working suspension is to be effective Jul 11-15, 2016.

You knowingly failed to immediately report a violation of a work rule and failed to properly supervise a subordinate when you responded to an e-mail from Mike Hoover on May 11, 2015. You interfered with an official investigation when you failed to produce said e-mail when asked.

This is a violation of the Standards of Employee Conduct Rule:

- Rule 24-Interfering with, failing to cooperate in or lying in an official investigation or inquiry;
- Rule 25-Failure to immediately report a violation of any work rule, law or regulation;
- Rule 27-Failure of supervisor to properly supervise or enforce work rules or failure to properly process employee payroll forms.
- Rule 50-Any violation of ORC 124.34...and for incompetency, inefficiency, dishonesty, drunkenness, immoral conduct, insubordination, discourteous treatment of the public, neglect of duty, violation of such sections of the rules of the Director of Administrative Services of the commission, or any failure of good behavior, or any other acts of misfeasance, malfeasance, or nonfeasance in office.

Pursuant to the Policy 37-EAP-07, you may choose to grieve this disciplinary action. You may file a grievance through your Director of the Department through the Bureau of Labor Relations in the Operation Support Center within fifteen (15) calendar days of notification of this action.



Appointing Authority



Employee Signature and Date