

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

Michelle Henry,

Appellant,

v.

Case No. 2016-SUS-06-0110

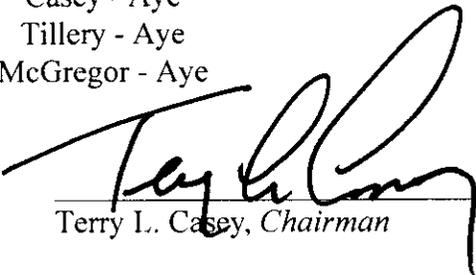
Department of Rehabilitation & Correction,

Appellee,

ORDER

This matter came on for consideration on the motion of Appellee that the Notice of 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, September 07, 2016.


Eric E. Con
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: 2016-SUS-06-0110

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

BEFORE THE STATE PERSONNEL BOARD OF REVIEW

MICHELLE HENRY, : 2016 AUG 24 PM 2: 44
Appellant, : CASE NO. 2016-SUS-06-0110
v. : JEANNETTE E. GUNN
: *Administrative Law Judge*
DEPARTMENT OF REHABILITATION :
AND CORRECTION, LORAIN :
CORRECTIONAL INSTITUTION, :
Appellee. :

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 August 22, 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

Wendy K. Clary

WENDY K. CLARY (0077775)
Associate Assistant Attorney General
AMY RUTH ITA (0074520)
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Columbus, Ohio 43215
(614) 644-7257 - Telephone
(614) 752-4677 - Facsimile
elsreview@ohioattorneygeneral.gov

8-24-16

CERTIFICATE OF SERVICE

I certify that a copy of the above *Notice of Rescission of 124.34 Order* was served upon Michelle Henry, 709 Carol Lane, Elyria, OH 44035, by ordinary U.S. Mail, postage prepaid this 24th day of August, 2016.

Wendy K. Clary

WENDY K. CLARY (0077775)
Associate Assistant Attorney General



Department of
Rehabilitation & Correction

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

August 22, 2016

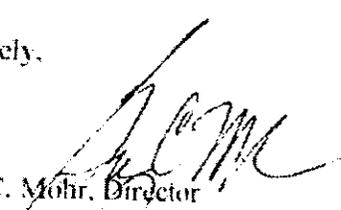
Michelle Henry
Correctional Warden Assistant I

Re: Rescission of 10 day working suspension

Dear Ms. Henry:

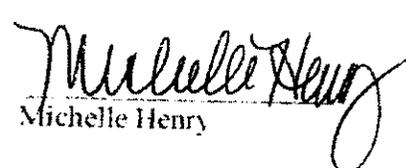
The ADM 4055 Order of ten (10) day working suspension you were served with on June 3, 2016 which was effective June 13-17 and June 20-24, 2016 is hereby rescinded. You are hereby issued a forty (40) hour working suspension instead. The effective dates of the working suspension will be September 12-16 as noted on the attached Notice of Disciplinary Action.

Sincerely,



Gary C. Mohr, Director
Ohio Dept. of Rehabilitation and Correction

Received by:



Michelle Henry

Date

8-23-2016

Copy to: Bureau of Labor Relations
Bureau of Personnel

Operation Support Center · 770 W. Broad Street · Columbus, Ohio 43222
www.drc.ohio.gov

Exhibit

A

enbindex.com #681