

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

DIANE DEARING,

*Appellant,*

v.

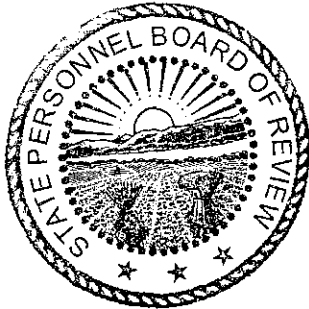
Case No. 06-IDS-03-0056

WRIGHT STATE UNIVERSITY,

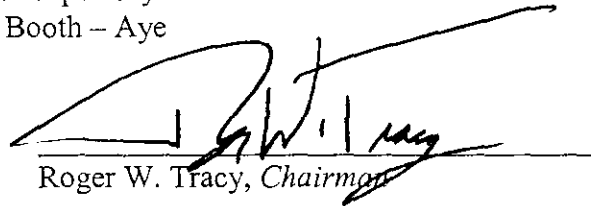
*Appellee.*

**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, be **ADOPTED**, and that Appellant's appeal be **DISMISSED**.



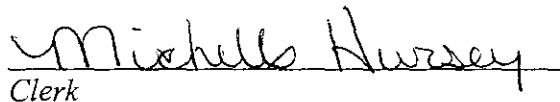
Tracy - Aye  
Lumpe - Aye  
Booth - Aye

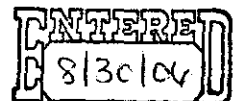
  
Roger W. Tracy, *Chairman*

**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 the foregoing is ~~(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 30, 2006.

  
*Clerk*





STATE OF OHIO  
 OFFICE OF THE ATTORNEY GENERAL  
 JIM PETRO, ATTORNEY GENERAL

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August 11, 2006

STATE PERSONNEL  
 BOARD OF REVIEW  
 2006 AUG 11 PM 2:56

Marcie M. Scholl, Administrative Law Judge  
 State Personnel Board of Review  
 65 East State Street, 12<sup>th</sup> Floor  
 Columbus, Ohio 43215

RE: *Diane Dearing v. Wright State University*  
 Case No. 06-IDS-03-0056

Dear Judge Scholl:

As a supplement to our response to your procedural order filed with the Board on July 24, 2006, enclosed please find copies of four letters to Ms. Dearing indicating, *inter alia*, that the University was rescinding the initial IDS which precipitated the instant appeal. The four letters are identical with the simple exception that they were sent to four different addresses. These letters and the respective certified mail numbers correspond to the certified mail receipts attached to our aforementioned July 24, 2006 response. Please note that no back pay was warranted due to the fact that Ms. Dearing had been on disability leave.

Please advise if these letters are not sufficient to demonstrate that Ms. Dearing's initial IDS has been rescinded.

Respectfully submitted,

JIM PETRO  
 Attorney General

*Timothy A. Lecklider*  
 TIMOTHY A. LECKLIDER  
 DREW C. PIERSALL  
 Assistant Attorneys General  
 Employment Law Section  
 614-644-7257

TAL/kas  
 Enclosures

cc: Diane Dearing  
 949 Styer Drive  
 New Carlisle, Ohio 45344-2747





WRIGHT STATE  
UNIVERSITY

Department of Human Resources  
280 University Hall  
3640 Colonel Glenn Hwy.  
Dayton, OH 45435-0001  
(937) 775-2120  
FAX (937) 775-3040

\*\*\*Via Regular and Certified Mail (#7001 2510 0007 3257 6617)\*\*\*

July 5, 2006

Diane Dearing  
949 Styer Drive  
New Carlisle, OH 45344-2747

Re: **Involuntary Disability Separation**

Dear Ms. Dearing:

On March 1, 2006, you received a letter from me dated February 14, 2006 separating you from your employment from Wright State University effective February 20, 2006. Please allow this letter to serve as notice that we are rescinding this order of Involuntary Disability Separation. Enclosed please find a new order of Involuntary Disability Separation which is effective as of July 31, 2006. Involuntary Disability Separations are discussed in Ohio Revised Code § 124.34 and Wright Way Policy 4203.

As I stated in my letter of February 14, 2006, you were to have received information concerning your eligibility for COBRA coverage, and you may be eligible to apply for disability retirement benefits through OPERS for up to two years after this separation of your employment.

You have three (3) years to apply to be reinstated to the position of Office Assistant I from your effective date of separation, which is your last day of active work status, July 31, 2006. In order to be reinstated, you must submit a written request for reinstatement, which is to be accompanied by substantial, credible medical evidence that you are capable of performing the essential job duties of an Office Assistant I.

If you have any questions or concerns you may contact our office.

Sincerely,

Allan L. Boggs  
Assistant Vice President for Human Resources and  
Appointing Authority