

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

THOMAS J. MUHLEMAN,

*Appellant,*

v.

Case No. 06-REM-01-0006

WARREN COUNTY COURT OF COMMON PLEAS,

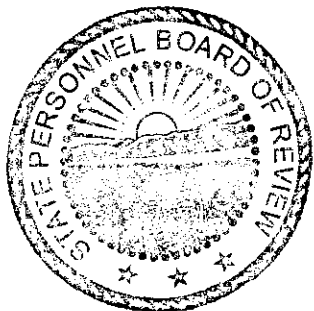
*Appellee.*

**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 record and 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 Appellant's removal be **DISAFFIRMED** and that Appellant receive all back pay and benefits from the date of his removal (January 1, 2006) to the date of his reinstatement (October 14, 2006), subject to set off for any moneys earned during that time.



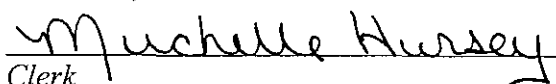
Lumpe – Aye  
Booth – Aye  
Tracy – Aye

  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

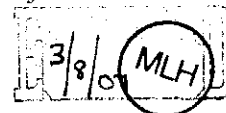
**CERTIFICATION**

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, MARCH 8, 2007.

  
\_\_\_\_\_  
*Clerk*

**NOTE:** Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.



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

Thomas J. Muhleman,

Case No. 06-REM-01-0006

*Appellant*

v.

February 7, 2007

Warren County Court of Common Pleas,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*


**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon Appellant's timely filing of an appeal resulting from his January 2006 removal from employment with Appellee. Appellant was removed as unclassified employee. Appellee filed correspondence with this Board on February 7, 2007, acknowledging that Appellant was, in fact, a classified employee at the time of his removal.

Revised Code Section 124.34(B) sets forth the procedures that must be followed in removing a classified civil service employee. The record indicates that Appellant's removal was not carried out in accordance with the statutory guidelines. Accordingly, I respectfully **RECOMMEND** that this Board **DISAFFIRM** Appellant's January 1, 2006, removal from employment with Appellee. As a result of such disaffirmance, Appellant should be reinstated to his position and is entitled to back pay and benefits from the date of his removal to the date of his reinstatement.

Appellee's correspondence indicated that Appellant was reinstated to his position effective October 14, 2006. It is further **RECOMMENDED** that Appellant receive all back pay and benefits for the time period of January 1, 2006, to October 14, 2006, subject to set off for any moneys earned during that time.

  
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Jeannette E. Gunn  
*Administrative Law Judge*

JEG: