

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

Sharon Young,

Appellant,

v.

Case No. 08-RED-01-0008

Montgomery County Board of Commissioners,

Appellee.

ORDER

This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

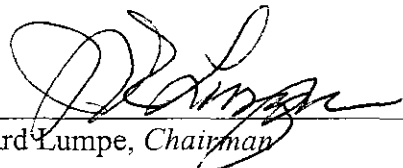
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** since Appellant's appeal from her ten-day suspension is the subject of an upcoming record hearing and thus the instant reduction appeal will be barred by the doctrine of res judicata.

Lumpe - Aye

Booth - Aye

Sfalcin - Aye



J. Richard Lumpe, *Chairman*

CERTIFICATION

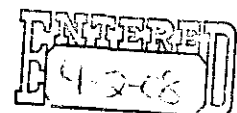
The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(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, April 2, 2008.



Michelle Hursey
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**

Sharon Young,

Case No. 08-RED-01-0008

Appellant

v.

March 12, 2008

Montgomery County Board of Commissioners,

Elaine K. Stevenson

Appellee

Hearing Officer


REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's filing of a notice of appeal from an alleged reduction in pay or position. In addition to the above-captioned appeal, Appellant checked the following categories on her notice of appeal form: (1) a ten-day suspension; (2) a whistleblower pursuant to R.C. 124.341; and (3) a request for an investigation. On February 21, 2008, a procedural order was issued to Appellant, instructing her to answer questions regarding her alleged reduction. On March 12, 2008, Appellant filed her response. In her response, Appellant argues that the ten-day suspension she received constitutes a reduction in pay within the meaning of O.A.C. 124-1-02(Y). For the reasons set forth below, I find that Appellant's appeal from her alleged reduction in pay is superfluous and should be dismissed.

Appellant's appeal from her ten-day suspension has been assigned SPBR Case No. 08-SUS-01-0007. That case has been scheduled for a record hearing on May 9, 2008. The subject of Appellant's suspension hearing will be the ten-day suspension and resultant loss of ten days of pay. Clearly, a second hearing regarding Appellant's allegation that her ten-day suspension resulted in a reduction in pay of ten days would be redundant and such a hearing would be barred by the doctrine of res judicata.

For the foregoing reasons, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**.


Elaine K. Stevenson
Hearing Officer

EKS:/