STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Earl D. Baldwin,

Appellant,

v. Case No. 08-ABL-05-0147

Department of Rehabilitation and Correction,
Madison Correctional Institution,

Appellee.

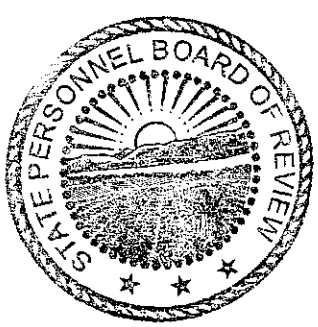
ORDER

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** as premature, pursuant to O.A.C. § 124-1-03(B).

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. August 21, 2008.

Michelle Hussey
Clerk

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

8-21-08

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Earl D. Baldwin,

Appellant

v.

Department of Rehabilitation & Correction,
Madison Correctional Institution,

Appellee

Case No. 08-ABL-05-0147

May 23, 2008

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's filing of an appeal following receipt of a letter from Appellee's Deputy Director notifying Appellant that Appellant's position could be subject to layoff or displacement in the near future. It appears that Appellee's letter was issued as a preliminary process that Appellee utilized to determine what layoffs might be necessary. Therefore, I find that Appellant has not received notice of an actual layoff, abolishment, or displacement.

Pursuant to O.A.C. 124-1-03(B), appeals from layoffs, abolishments, and displacements shall be filed with the State Personnel Board of Review within ten calendar days after receipt of notice of the action.

In the event that Appellant receives a <u>subsequent</u> letter from Appellee notifying Appellant that he or she will be laid off or displaced, or that Appellant's position has been abolished, Appellant must file a new appeal with this Board to preserve his or her rights. Such an appeal must be filed with this Board in a timely manner pursuant to O.A.C. 124-1-03(B). <u>A copy of the notice shall be attached to the Appellant's appeal</u>.

Based on the foregoing, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** as premature, pursuant to O.A.C. 124-1-03(B).

Jeannette E. Gunn
Administrative Law Judge