

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Harry C. Turner III,

Case Nos. 08-ABL-05-0228
08-LAY-05-0229

Appellant,

v.

Department of Rehabilitation and Correction,
Ohio State Penitentiary,

Appellee.

ORDER

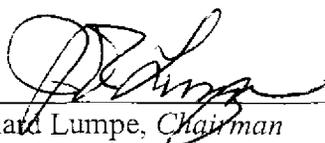
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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

Lumpe - Aye
Booth - Aye
Sfalcin - Aye



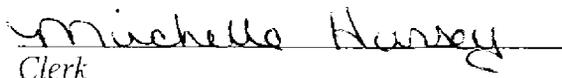


J. Richard Lumpe, *Chairman*

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, October 10, 2008.



Clerk

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

10.10.08

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Harry C. Turner III,

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Case Nos. 08-ABL-05-0228
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June 17, 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 his receipt of a letter dated May 8, 2008, from Appellee's Warden David Bobby 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 subsequent letter from Appellee notifying Appellant that he 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 rights. Such an appeal must be filed with this Board in a timely manner pursuant to O.A.C. 124-1-03(B). A copy of the notice shall be attached to the Appellant's appeal.

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