

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

Vickie Clark,

Appellant,

v.

Case No. 08-LAY-06-0258

Department of Mental Health,
Twin Valley Behavioral Healthcare-Dayton,

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** for lack of jurisdiction, pursuant to O.A.C. § 124-1-03(B).

Lumpe - Aye
Booth - Aye
Sfalcin - Aye





J. Richard Lumpe, *Chairman*

CERTIFICATION

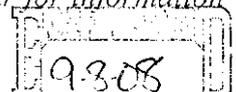
The State of Ohio, State Personnel Board of Review, ss:

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, September 8, 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**

Vickie Clark,

Case No. 08-LAY-06-0258

Appellant

v.

July 29, 2008

Department of Mental Health,
Twin Valley Behavioral Healthcare-Dayton,

Elaine K. Stevenson
Hearing Officer

Appellee

REPORT AND RECOMMENDATION

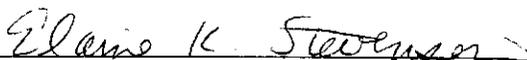
To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's June 5, 2008 filing of a notice of appeal from her layoff. In her notice of appeal, Appellant indicates that she received notice of the instant layoff on April 9, 2008.

O.A.C. 124-1-03(B) provides that:

Appeals from layoffs, abolishments, and displacements shall be in writing and shall be filed with the board, or postmarked, not more than ten calendar days after receipt of the notice of the action.

Pursuant to O.A.C. 124-1-03(B), Appellant's notice of appeal should have been filed with this Board or postmarked no later than April 21, 2008 to be considered timely. Appellant's notice of appeal was postmarked June 4, 2008 and filed with this Board on June 5, 2008. Therefore, since Appellant failed to timely file her notice of appeal, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to O.A.C. 124-1-03(B).


Elaine K. Stevenson
Hearing Officer