

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

SHAWN E. LEONHARDT,

Appellant,

v.

Case No. 08-MIS-08-0477

DEPARTMENT OF YOUTH SERVICES, CENTRAL OFFICE,

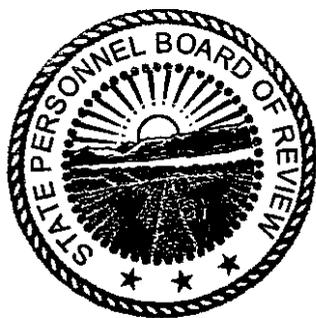
Appellee

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 untimely filing, pursuant to O.A.C. 124-1-03 (I).



Lumpe - Aye
Booth - Aye
Sfalcin - Aye

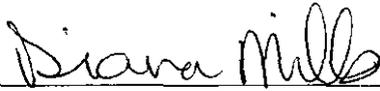


J. Richard Lumpe *Chairman*

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 constitutes (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, November 20 2008.



Diana Mills
Clerk

11/20/08

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

Shawn E. Leonhardt,

Case No. 08-MIS-08-0477

Appellant

v.

September 26, 2008

Dept of Youth Services, Central Office,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration September 26, 2008, upon Appellant's filing of an appeal of his denial of reinstatement on August 13, 2008.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed timely.

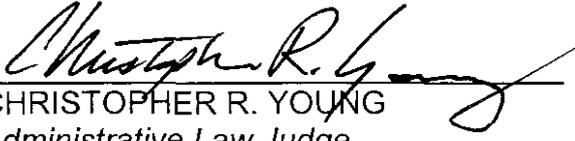
Ohio Administrative Code section 124-1-03(I) sets forth the time limit for filing an appeal of a denial of reinstatement with this Board. Ohio Administrative Code section 124-1-03(I) states:

Appeals from all other actions, including denials of reinstatement from disability separations, shall be filed in writing, with the state personnel board of review **not more than thirty calendar days after the time the appellant receives actual notice of the action.**

In this case the Appellant, based upon the paperwork submitted, was notified of his denial of reinstatement back in December 2007 and that he filed a grievance of that denial in January 2008.

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Therefore, as this appeal was not timely filed I respectfully **RECOMMEND**
that this appeal be **DISMISSED**.


CHRISTOPHER R. YOUNG
Administrative Law Judge

CRY: