

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

Gary A. Rowand,

Appellant,

v.

Case No. 08-IDS-09-0500

Lucas Metropolitan Housing Authority,

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.

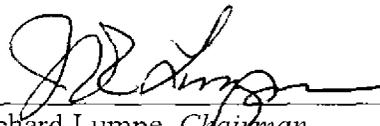
Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of jurisdiction over the parties, pursuant to O.R.C. §§ 124.01 and 124.03.

Lumpe - Aye

Booth - Aye

Sfalcin - Aye



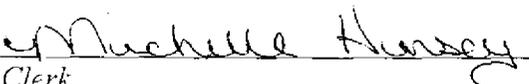


J. Richard Lumpe, *Chairman*

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, November 5, 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.

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

Gary A. Rowand,

Case No. 08-IDS-09-0500

Appellant

v.

October 9, 2008

Lucas Metropolitan Housing Authority,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's September 17, 2008 filing of a notice of appeal of Appellee's denial of his request to be reinstated to his position as a Maintenance Mechanic. It is noted that Appellee's August 22, 2008 letter notifying Appellant of its decision to deny his reinstatement request indicates that the State Personnel Board of Review has the authority to review its decision upon appeal. Unfortunately, Appellee's appeal information is not accurate and the instant appeal must be dismissed.

Unlike a court of general jurisdiction, the State Personnel Board of Review has authority only where it has been explicitly conferred upon it by the Ohio General Assembly. R.C. 124.03(A) vests this Board with the authority to hear appeals from employees in the classified state civil service from final decisions of appointing authorities relative to specific actions. R.C. 124.01 includes only specified political subdivisions within the definition of civil service. In the instant appeal, Appellant seeks reinstatement to his position with a metropolitan housing authority. A review of the relevant Ohio Revised Code provisions indicates that a metropolitan housing authority is a political subdivision of the state created under the provisions set forth in R.C. 3735.27 *et seq*; however, a metropolitan housing authority is not a political subdivision included within the definition of civil service as set forth in R.C. 124.01. Therefore, this Board does not have the authority to hear direct appeals from employees of metropolitan housing authorities created pursuant to R.C. 3735.27 *et seq*. It is suggested that Appellant may want to contact a pertinent court of common pleas in Ohio to determine if the court has jurisdiction over Appellant's appeal.

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Based on the foregoing, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of jurisdiction over the parties, pursuant to sections 124.01 and 124.03 of the Ohio Revised Code.


Elaine K. Stevenson
Hearing Officer

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