

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

Brenetta L. Holmes,

Appellant,

v.

Case No. 08-LAY-05-0233

Department of Rehabilitation and Correction,
Correctional Reception Center,

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 its subject matter, pursuant to O.R.C. § 124.03 *et seq.*

Lumpe - Aye
Booth - Aye
Sfalcin - Aye



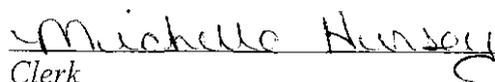


J. Richard Lumpe, *Chairman*

CERTIFICATION

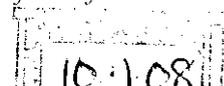
The State of Ohio, State Personnel Board of Review, ss:

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 7, 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**

Brenetta L. Holmes,

Case No. 08-LAY-05-0233

Appellant

v.

August 29, 2008

Department of Rehabilitation and Correction,
Correctional Reception Center,

Appellee

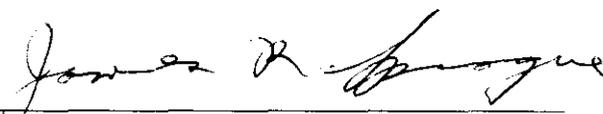
James R. Sprague
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on due to Appellant's filing of an appeal *requesting that this Board enforce and/alter the terms of a settlement agreement and related court order*. Unlike a court, this Board has jurisdiction only when it has been explicitly conferred upon the Board by the Ohio General Assembly. Neither R.C. 124.03 nor any other provision of the Revised Code grants this Board the authority to enforce its orders or, indeed, to enforce or alter orders or agreements issued pursuant to court adjudications. *See, Morrison v. Mansfield Correctional Institution* (Aug. 22, 1994), Richland Co., No. 94-223D, unreported.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of jurisdiction over its subject matter, pursuant to R.C. 124.03 *et seq.*



James R. Sprague
Administrative Law Judge

JRS: