

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

David W. Metzger,

*Appellant,*

v.

Case No. 08-REM-07-0440

City of Delphos,

*Appellee.*

**ORDER**

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

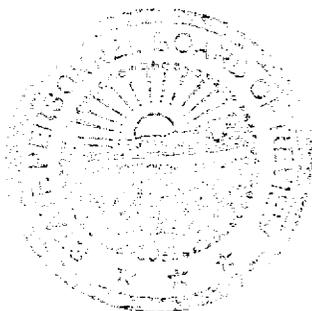
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

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

Lumpe - Aye

Booth - Aye

Sfalcin - Aye

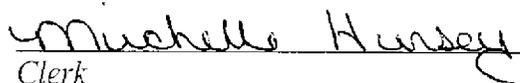


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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.

  
\_\_\_\_\_  
Michelle Hunsey  
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

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

David W. Metzger,

Case No. 08-REM-07-0440

*Appellant*

v.

September 10, 2008

City of Delphos,

*Appellee*

Marcie M. Scholl  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on September 10, 2008. Appellant appeals his removal from employment with the City of Delphos.

R.C. Section 124.03(A) provides that this Board shall hear appeals of employees in the state service. R.C. Section 124.01(B) defines "state service" as follows:

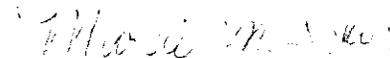
\* \* \*

(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

\* \* \*

Clearly, a municipal employee is not covered by the definitions set forth above. Therefore, this Board lacks jurisdiction to hear a direct appeal arising from the removal of a municipal employee.

Therefore, I **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction.



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Marcie M. Scholl  
*Administrative Law Judge*

MMS:dIm