

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Pamela A. Rathbun,

Appellant,

v.

Case No. 08-REM-09-0495

Village of Delta,

Appellee

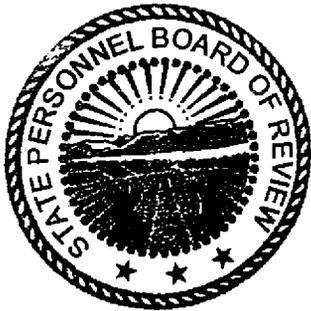
ORDER

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.

Lumpe - Aye
Booth - Aye
Sfalcin - Aye



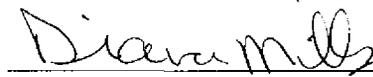


J. Richard Lumpe, *Chairman*

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 18, 2008.



Diana Mills
Clerk

NOTE: Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

11-18-08

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

PAMELA A. RATHBUN,

Case No. 08-REM-09-0495

Appellant

v.

October 9, 2008

VILLAGE OF DELTA,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's September 4, 2008 filing of an appeal from her removal from employment with the Village of Delta.

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

* * *

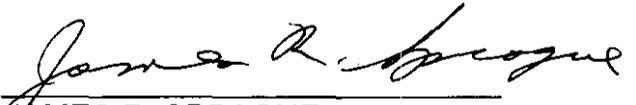
(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

* * *

Clearly, a village employee, such as Appellant, is not covered by the definition set forth above that would provide this Board with jurisdiction over her removal. Accordingly, this Board lacks jurisdiction to hear a direct appeal arising from the removal of a village employee. That jurisdiction may lie directly with the pertinent Court of Common Pleas.

PAMELA A. RATHBUN
Case No. 08-REM-09-0495
Page 2

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



JAMES R. SPRAGUE
Administrative Law Judge

JRS: