

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

Lisa M. Buckner,

*Appellant,*

Case Nos. 08-SUS-06-0423  
08-REM-06-0424

v.

Montgomery County Board of Commissioners,

*Appellee.*

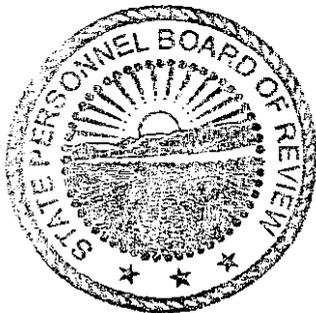
**ORDER**

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

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 appeals be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. § 4117-10(A).

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, September 16, 2008.

  
\_\_\_\_\_  
*Clerk*

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

9-16-08

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

Lisa M. Buckner,

*Appellant*

v.

Montgomery County Board of  
Commissioners,

*Appellee*

Case Nos. 08-SUS-06-0423  
08-REM-06-0424

August 19, 2008

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

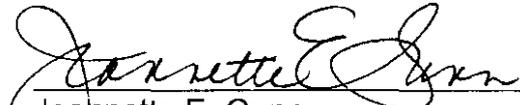
The above-referenced matters came on for consideration on August 19, 2008, upon Appellee's Motion to Dismiss For Lack of Jurisdiction, filed with this Board on August 8, 2008. Appellee contends that these matters are properly resolved through the grievance procedure, pursuant to a collective bargaining agreement, and this Board lacks jurisdiction to consider the matter. Appellant did not file a memorandum *contra*.

Based upon the uncontroverted information contained in the record, I find that the Appellant is a member of a bargaining unit represented by Ohio Council #8 and Local #101, AFSCME, AFL-CIO. Appellee Montgomery County Board of Commissioners and Ohio Council #8 and Local #101, AFSCME, have signed a collective bargaining contract, which covers the Appellant's bargaining unit.

The above contract provides a grievance procedure resulting in final and binding arbitration, and Appellant has filed a grievance of the above-referenced matters pursuant to the collective bargaining agreement. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

Lisa M. Buckner  
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Therefore, I respectfully **RECOMMEND** that the above-referenced appeals be **DISMISSED** for lack of jurisdiction.

  
Jeannette E. Gunn  
Administrative Law Judge

JEG: