

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

John Homenko,

Appellant,

v.

Case No. 08-SUS-07-0468

Cuyahoga 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 appeal.

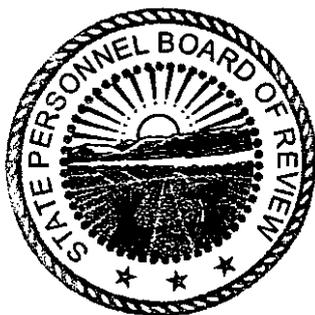
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. § 124.34.

Lumpe - Aye

Booth - Aye

Sfalcin - Aye



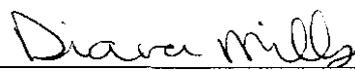


J. Richard Lumpe, *Chairman*

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.



Dianna 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**

John Homenko,

Case No. 08-SUS-07-0468

Appellant

v.

September 2, 2008

Cuyahoga Co, Board of Commissioners,

Christopher R. Young

Appellee

Administrative Law Judge

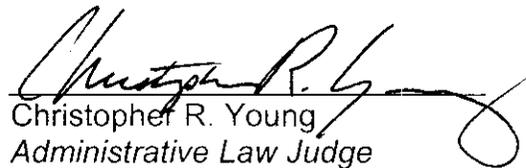
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on September 2, 2008. I find that Appellant was suspended for three days or less. Such suspensions are not appealable to the State Personnel Board of Review pursuant to Ohio Revised Code Section 124.34.

Only suspensions in excess of three days are appealable, see *Rapier v. Darke County Board of Mental Retardation and Developmental Disabilities* (Mar. 10, 1993), unreported, Franklin Co. Case Number 92CVF09-7589. The court in *Gillard v. Norris* (6th Cir. 1988), 857 F.2d 1095, also held that “. . . the full scope of due process does not extend to short suspensions.”

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter jurisdiction.


Christopher R. Young
Administrative Law Judge

CRY: