

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

Zhengjun Guo,

Case Nos. 09-REM-03-0141
09-INV-03-0142

Appellant,

v.

Department of Administrative Services,
Office of Employee Services,

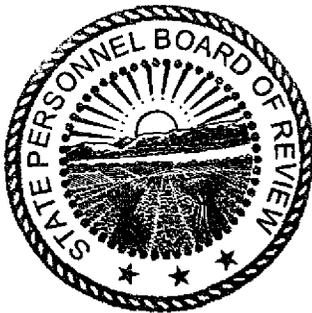
Appellee.

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 Case Number 09-REM-03-0141 be **DISMISSED** for untimely filing, pursuant to O.A.C. § 124-1-03(I), and the instant investigation request (Case Number 09-INV-03-0142) be **DISMISSED**, pursuant to O.R.C. § 124.56.



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

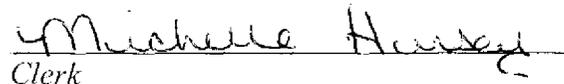


J. Richard Lumpe, *Chairman*

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 9, 2009.



Michelle Huxley
Clerk

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

11-19-09

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

ZHENGJUN GUO,

Case Nos. 09-REM-03-0141
09-INV-03-0142

Appellant

v.

May 19, 2009

DEPARTMENT OF ADMINISTRATIVE SERVICES,
OFFICE OF EMPLOYEE SERVICES,

Appellee

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These matters come on due to Appellant's March 2, 2009 filing of an appeal from Appellant's removal effective on or about November 20, 2009 and due to Appellant's March 2, 2009 filing of a request for an investigation. It also appears that Appellant was removed during Appellant's probationary period and that Appellant was a member of an OCSEA collective bargaining unit.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within thirty (30) calendar days after Appellant received actual notice of Appellant's removal, as required by O. A. C. 124-1-03 (I). The instant records do not reflect that an R.C. 124.34 Order of Removal was issued in this removal. Further, the subject matter of probationary removals does not fall under this Board's jurisdiction. Additionally, Appellant had an opportunity to have this Board at least consider its jurisdiction over Appellant's removal, yet Appellant failed to timely file Appellant's removal appeal. Thus, it is inappropriate to allow Appellant to pursue a review of this action through the avenue of an investigation.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for untimely filing, pursuant to O.A.C. 124-1-03 (I) and further **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant investigation request, pursuant to R.C. 124.56.



JAMES R. SPRAGUE
Administrative Law Judge