

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

Andrea G. Young,

*Appellant,*

v.

Case No. 09-LAY-07-0344

City of Hamilton Division of Police,

*Appellee.*

**ORDER**

This matter came on for consideration on the notice of Appellant that the Withdrawal attached hereto be adopted. Being fully advised in the premises, the Board hereby orders that the attached withdrawal, incorporated herein by reference and made a part of the case file in this appeal, be **ADOPTED**. Accordingly, the above-referenced appeal is hereby **DISMISSED**.

Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

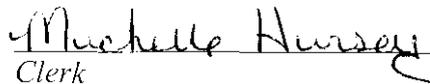


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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, September 24, 2009.

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

JEG

**STATE PERSONNEL BOARD OF REVIEW**  
65 East State Street, 12<sup>th</sup> Floor  
Columbus, OH 43215-4213

**WITHDRAWAL OF APPEAL**

ANDREA G. YOUNG

*Appellant*

Date Mailed: September 16, 2009

Case Number 09-LAY-07-0344

Type of Case: Layoff

v.

CITY OF HAMILTON, DIVISION OF POLICE

*Appellee*

Now comes Appellant Andrea G. Young, by and through her attorney, and states that she withdraws the Appeal filed on July 31, 2009 regarding her layoff from employment with the City of Hamilton, Division of Police. Ms. Young's attorney filed the appeal with this body, the State Personnel Board of Review, in error, and corrected that error by filing the appeal with the City of Hamilton Civil Service Commission.

Please withdraw this Appeal. Notice of this withdrawal has been furnished on Appellee, on the Law Department of the City of Hamilton, and on the Civil Service Commission of the City of Hamilton for their information.

I apologize for any inconvenience this incorrect filing has caused the SPBR.

2009 SEP 17 PM 1:18

Respectfully submitted,

Sara Straight Wolf, Esq. (0018745)  
Cors & Bassett, LLC  
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537 East Pete Rose Way  
Cincinnati, OH 45202-3578  
Attorney for Appellant Andrea G. Young

ENTERED  
09/17/09

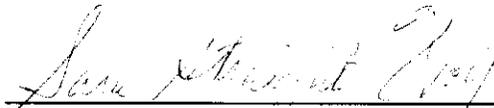
Certificate of Service

I hereby certify that a copy of Appellant's Reply Brief was served by regular US mail to the following persons at the addresses indicate this 16th day of September, 2009 :

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Director of Civil Service and Personnel  
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**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

Andrea G. Young,

Case No. 09-LAY-07-0344

*Appellant*

v.

September 16, 2009

City of Hamilton, Division of Police,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on September 16, 2009. Appellant appeals her layoff from the position of Records Clerk with City of Hamilton, Division of Police.

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.

\* \* \*

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 layoff of a municipal employee.

Andrea G. Young  
Case No. 09-LAY-07-0344  
Page 2

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

  
Jeannette E. Gunn  
Administrative Law Judge

JEG: