

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Diana M. Route,

Appellant.

v.

Case No. 09-MIS-03-0140

Department of Rehabilitation and Correction,
Correctional Reception Center,

Appellee.

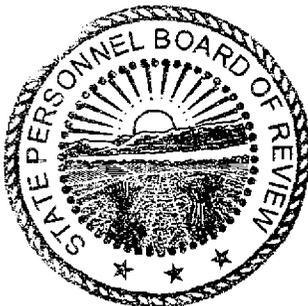
ORDER

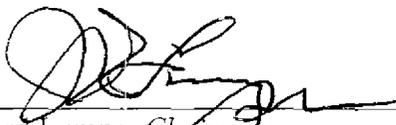
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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. §§ 124.03 and 124.03(A).

Lumpe - Aye
Sfalcin - Aye
Tiliery - Aye



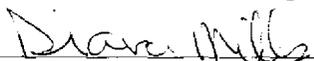


J. Richard Lumpe, *Chairman*

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, July 23, 2009.



Diana Mills

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

Diana M. Route,

Case No. 09-MIS-03-0140

Appellant

v.

May 12, 2009

Department of Rehabilitation & Correction,
Correctional Reception Center,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon a review of the information contained in the record. I find that Appellant has filed this appeal in order to request a review of the manner in which her recall rights were administered by Appellee.

Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. Ohio Revised Code Section 124.03 grants this Board authority to review suspensions of more than three days, removals, reductions, layoffs and abolishments. Neither R.C. 124.03(A) nor any other section of the Ohio Revised Code provides this Board with jurisdiction to determine recall rights. See, *State, ex rel. Carver v. Hull* (1994), 70 Ohio St.3d 570.

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


Jeannette E. Gunn
Administrative Law Judge

JEG: