

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Camille Campbell,

Appellant,

v.

Case No. 09-MIS-06-0315

Department of Mental Retardation
and Developmental Disabilities Central Office,

Appellee.

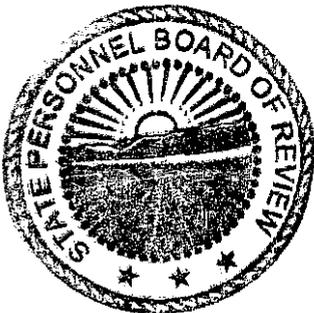
ORDER

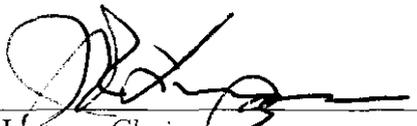
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

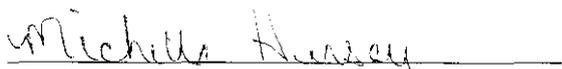



J. Richard Lumpe, *Chairman*

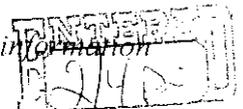
CERTIFICATION

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, February 4, 2010.


Michelle Hussey
Clerk

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



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

Camille Campbell

Case No. 09-MIS-06-0315

Appellant

v.

December 28, 2009

Department of Mental Retardation and
Developmental Disabilities, Central Office

Appellee

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for consideration on December 28, 2009. Appellant Campbell filed a notice of appeal on June 29, 2009 and on the appeal form, she checked three boxes; Involuntary Disability Separation (IDS), Retaliatory Discipline and Other – Administrative Leave, FMLA. The IDS appeal has been assigned case number 2009-IDS-06-0314 and is scheduled for a pre-hearing on January 12, 2010 at 10:00 a.m. The whistleblower appeal has been assigned case number 2009-WHB-06-0316 and a Report and Recommendation has been issued in that case on December 28, 2009. The instant case is the appeal involving the administrative leave and FMLA.

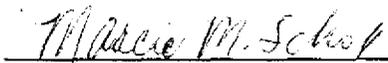
Unlike a court of general jurisdiction, this Board has only the jurisdiction granted to it by statute. Section 124.03 of the Ohio Revised Code determines the Board's jurisdiction and states as follows, in pertinent part:

A) The state personnel board of review shall exercise the following powers and perform the following duties:

(1) Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal

of the director, or anybody authorized to perform the director's functions, to reassign an employee to another classification or to reclassify the employee's position with or without a job audit under division (D) of section 124.14 of the Revised Code. As used in this division, "discharge" includes disability separations.

As can be seen from reading the above statute, this Board's jurisdiction does not extend to a review of an employee being placed on administrative leave with pay nor does it extend to review of an employee's FMLA status. Therefore, it is my **RECOMMENDATION** that this appeal be **DISMISSED** due to a lack of subject matter jurisdiction pursuant to section 124.03 of the Ohio Revised Code.



Marcie M. Scholl
Administrative Law Judge

:mms