

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Carolyn Free,

Appellant,

v.

Case No. 09-REM-01-0009

Ross County Clerk of Courts,

Appellee.

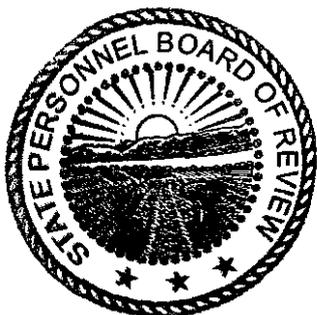
ORDER

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 jurisdiction, pursuant to O.R.C. § 124.11(A)(10).

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



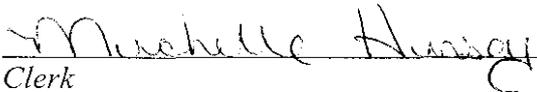


J. Richard Lumpe, *Chairman*

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, June 19, 2009.



Michelle Hunsby
Clerk

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

6-19-09

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

Carolyn Free,

Case No. 09-REM-01-0009

Appellant

v.

May 6, 2009

Ross County Clerk of Courts,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for consideration upon Appellee's Motion to Dismiss, filed with this Board on April 17, 2009. Appellant filed an appeal of her removal from employment with Appellee; Appellee asserts that this Board lacks jurisdiction to consider the appeal because Appellant's position fell within the unclassified civil service, pursuant to the provisions of R.C. 124.11(A)(10).

Appellee submitted with its Motion the sworn affidavit of Ty Hinton, the duly authorized Clerk of Courts of Ross County and Appellant's appointing authority. Mr. Hinton's affidavit asserted that Appellant was responsible for handling public money and secured documents as part of her official duties as a Deputy Clerk of Courts. Appellant filed no response to Appellee's Motion to Dismiss to dispute the information provided by Appellee.

R.C. 124.11(A)(10) places into the unclassified service:

. . . deputies of clerks of the courts of common pleas who supervise
or who handle public moneys or secured documents

Based upon the uncontroverted evidence contained in the record, I find that Appellant was a Deputy Clerk who handled public moneys and secured documents, and that her position was, therefore, unclassified. This Board does not possess subject matter jurisdiction over the removal of an unclassified employee since Ohio Revised Code Section 124.03 limits this Board's jurisdiction to actions concerning classified employees.

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



Jeannette E. Gunn
Administrative Law Judge

JEG: