

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

Brandy M. Kilburn,

*Appellant.*

v.

Case No. 09-REM-05-0257

Warren County  
Board of Mental Retardation and Developmental Disabilities,

*Appellee.*

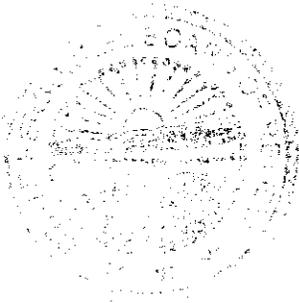
**ORDER**

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. § 124.27 (C).

Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

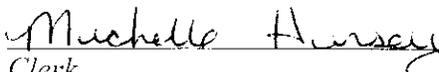


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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, October 8, 2009.

  
\_\_\_\_\_  
Michelle Hursey  
*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**

Brandy M. Kilburn,

Case No. 09-REM-05-0257

*Appellant*

v.

September 14, 2009

Warren County Board Of MR/DD,

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 14, 2009, upon a review of Appellant's response to this Board's September 3, 2009, Procedural Order and Questionnaire. Appellant filed her response with this Board on September 10, 2009.

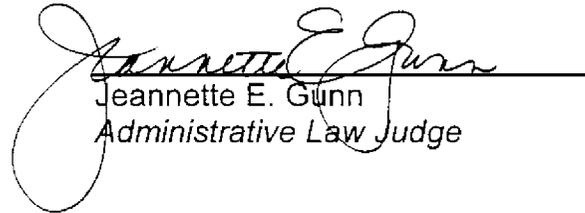
Based upon the information provided by Appellant, I find that Appellant occupied a position classified as Adult Service Provider. Appellant stated in her response that she was removed from employment with Appellee prior to the end of her probationary period. She further indicated that her position was not subject to any collective bargaining agreement.

Ohio Revised Code Section 124.27(C) provides that:

". . . No appointment or promotion is final until the appointee has satisfactorily served the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be removed or reduced at any time during the probationary period. . . . A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code." (emphasis added)

Appellant, by her own admission, was removed during her probationary period and, accordingly, has no right of appeal to this Board. R.C. 124.27(C); *Walton v. Montgomery County Welfare Department* (1982), 69 Ohio St. 2d 58.

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

  
Jeannette E. Gunn  
Administrative Law Judge

JEG: