

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

Lindsay N. Murray,

Appellant,

v.

Case No. 09-REM-06-0306

Department of Rehabilitation and Correction,
Ohio Reformatory for Women,

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**, pursuant to O.R.C. §§ 124.27(C) and 124.34.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



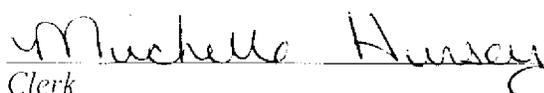


J. Richard Lumpe, *Chairman*

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**

Lindsay N. Murray

Case No. 09-REM-06-0306

Appellant

v.

September 8, 2009

Department of Rehabilitation & Correction,
Ohio Reformatory For Women

Appellee

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on September 8, 2009. Appellant filed an appeal with this Board on June 22, 2009. In her notice of appeal, she states: "On April 29, 2009 I was called into the Warden's office and given a probationary removal under false pretenses."

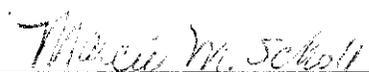
Unlike a court of general jurisdiction, this Board has only the jurisdiction granted to it by statute. Section 124.27(C) of the Ohio Revised Code states, in pertinent part:

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.

Since Appellant Murray has stated that she was in her probationary period at the time of her removal, there is no right to appeal her removal to this Board, as this Board does not possess jurisdiction over removals occurring while an employee is in a probationary period.

Therefore, I respectfully **RECOMMEND** this appeal be **DISMISSED** due to a lack of jurisdiction.

:mms



Marcie M. Scholl
Administrative Law Judge