

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

Crystal D. Balo,

*Appellant,*

v.

Case No. 09-REM-09-0426

Allen County Board of Commissioners,

*Appellee.*

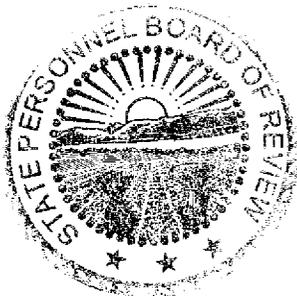
**ORDER**

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 over the parties, pursuant to O.R.C. § 319.05.

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, January 22, 2010.

  
\_\_\_\_\_  
*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**

Crystal D. Balo,

Case No. 09-REM-09-0426

*Appellant*

v.

December 1, 2009

Allen County Board of Commissioners,

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 December 1, 2009, upon Appellee's motion to dismiss for lack of jurisdiction, filed on November 13, 2009. Appellant filed an appeal with this Board on September 24, 2009, contesting her removal from employment on or about September 15, 2009, and naming the Allen County Board of Commissioners as Appellee. Appellee contends this Board lacks jurisdiction to consider this matter because Appellant was not employed by Appellee Allen County Board of Commissioners at the time of her removal. Appellant did not file a memorandum *contra*.

Based upon the uncontroverted information contained in the record, I find that Appellant was an employee of the Allen County Auditor at the time of her removal. The Allen County Auditor has the statutory authority to appoint and remove employees of her office pursuant to R.C. 319.05. Accordingly, I find that the Allen County Auditor, rather than the Allen County Board of Commissioners, was Appellant's appointing authority and was the entity which effectuated the employment action removing her from employment on or about September 15, 2009.

Therefore, because Appellee was not Appellant's appointing authority at the time of her removal and subsequently could not, as a matter of law, have taken employment action against her, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** this appeal for lack of jurisdiction over the parties.

  
Jeannette E. Gunn  
*Administrative Law Judge*