

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

Linda J. Porter,

*Appellant.*

v.

Case No. 10-FRN-05-0141

Harbor Topky Memorial Library,

*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 since Appellant was an unclassified employee



Lumpe - Aye  
Sfalcin - Aye  
Tillery - Aye

  
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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, July 15, 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**

Linda J. Porter

Case No. 10-FRN-05-0141

*Appellant*

v.

May 28, 2010

Harbor Topky Memorial Library

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon a notice of appeal filed by Appellant Porter on May 12, 2010 from her alleged forced resignation from Appellee.

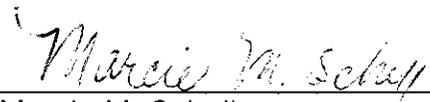
Unlike a court of general jurisdiction, this Board has only the authority granted to it by statute. Pursuant to section 124.03 of the Ohio Revised Code, this Board's jurisdiction extends only to classified employees. As an employee of the Harbor Topky Memorial Library, Appellant Porter is an unclassified employee pursuant to section 124.11(A)(7)(b) of the Ohio Revised Code. That statute states as follows:

(A) The unclassified service shall comprise the following positions, which shall not be included in the classified service, and which shall be exempt from all examinations required by this chapter:

(b) The library staff of any library in the state supported wholly or in part at public expense.

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Therefore, since Appellant Porter was employed by a public library and thus, an unclassified employee, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for a lack of jurisdiction.



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Marcie M. Scholl  
*Administrative Law Judge*

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