

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

LAVONIA BROWN,

*Appellant,*

v.

Cases Nos. 10-RED-12-0364  
10-INV-12-0365

CUYAHOGA COUNTY BOARD OF COMMISSIONERS and  
CUYAHOGA COUNTY OFFICE OF HUMAN RESOURCES,

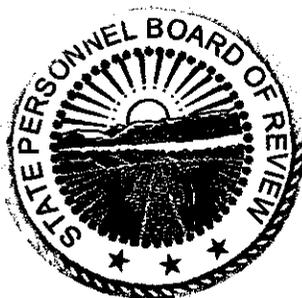
*Appellees*

**ORDER**

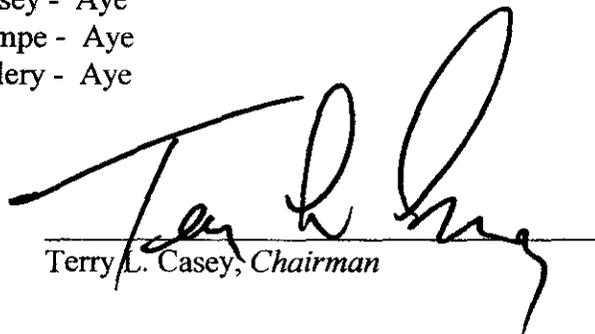
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal and request for investigation.

After a thorough examination of the entirety of the records, including 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. It is noted that Appellant may have a potential avenue of remedy through the filing of a petition for a writ of mandamus with the pertinent court.

Wherefore, it is hereby **ORDERED** that the instant appeal and instant request for investigation be **DISMISSED** for lack of jurisdiction over their subject matter, pursuant to R.C. 124.03 and R.C. 124.56.



Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
Terry L. Casey, 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 constitutes ~~(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, September 28, 2011.

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

Lavonia Brown

*Appellant*

v.

Cuyahoga County Board of Commissioners  
and  
Cuyahoga County Office of Human Resources

*Appellee*

Case Nos. 10-RED-12-0364  
10-INV-12-0365

March 16, 2011

Marcie M. Scholl  
*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 Brown on December 21, 2010. Her notice of appeal alleges that Appellee has violated this Board's Orders in two previous cases filed by Appellant Brown. On February 3, 2011, Appellee filed a Motion to Dismiss to the investigation request and on February 8, 2011, Appellant filed a Memorandum of Law in Opposition to Motion to Dismiss.

In Appellant Brown's notice of appeal, she alleges that Appellee has not complied with this Board's Orders in her previous cases, numbered 08-REC-07-0453 and 09-RED-11-0488. The Board Orders in those case were issued on November 13, 2009 and September 17, 2010, respectively. This Board has no authority to enforce its Orders and this Board no longer possesses jurisdiction over those cases, as jurisdiction is lost by this Board fifteen (15) days after the issuance of its Order. Any action to enforce an Order of this Board would have to be brought in another forum.

This Board cannot enforce its Order either through a direct appeal or through an investigation. The pay rates established by the Appellee are not under the jurisdiction of this Board, as it is the Appellee that possesses the sole authority to set the pay tables and this Board cannot assign an employee a rate of pay. Once again, if Appellant believes that Appellee has not complied with an Order of this Board and if Appellant believes that her rate of pay is not correct, her appeal lies in another forum, as this Board lacks subject matter jurisdiction.

Therefore, it is my **RECOMMENDATION** that Appellee's Motion to Dismiss be Granted and that both of these cases be **DISMISSED** for a lack of subject matter jurisdiction.

  
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Marcie M. Scholl  
Administrative Law Judge

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