

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

David A. Brown Jr.,

Case No. 10-MIS-05-0122

Appellant.

v.

Department of Rehabilitation and Correction Central Office,

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. § 124.56.

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, 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**

David A. Brown Jr.,

Case No. 10-MIS-05-0122

Appellant

v.

May 21, 2010

Dept. of Rehab. & Corr., Central Office,

Appellee

Christopher R. Young
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on May 21, 2010. I find that Appellant has filed this appeal to protest his denial of a promotion.

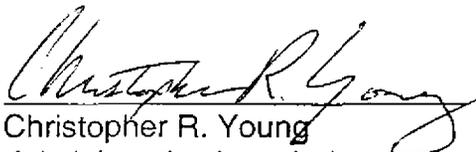
Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. Ohio Revised Code Section 124.56 grants this Board authority to make an investigation only when the Board has reason to believe that:

. . . any officer, board, commission, head of a department, or person having the power of appointment, layoff, suspension or removal, has abused such power by making an appointment, layoff, reduction, suspension, or removal of an employee under his or their jurisdiction in violation of this chapter [124.] of the Revised Code . . .

Section 124.56 of the Revised Code does not confer jurisdiction on this Board to conduct an investigation relative to the denial of a promotion. *Singh v. State* (1982), 7 Ohio App.3d 269, *Ketron v. Ohio Dept. of Transportation* (1991), 61 Ohio App.3d 657.

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


Christopher R. Young
Administrative Law Judge

CRY: