

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

Deborah Hood,

Case Nos. 10-REC-02-0029
10-REC-06-0159

Appellant,

v.

Cuyahoga County Board of Commissioners
And
Cuyahoga County Office of Human Resources,

Appellee.

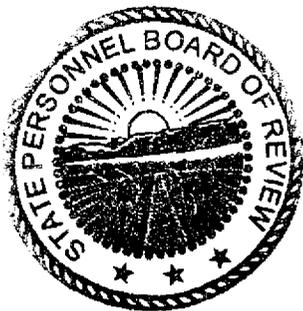
ORDER

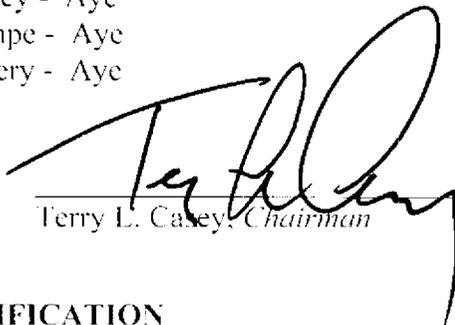
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 appeals be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. §§ 124.03 (A) (1) and 124.14 (D).

Casey - Aye
Lumpe - Aye
Tillery - Aye

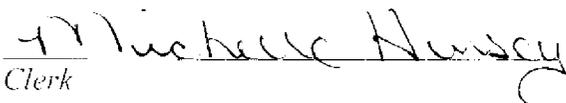



Terry L. Casey, Chairman

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 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, 17 March 10, 2011.


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**

Deborah Hood,

Case Nos. 10-REC-02-0029
and 10-REC-06-0159

Appellant,

v.

October 15, 2010

Cuyahoga County Board Of Commissioners and
Office of Human Resources,
Appellee.

BETH A. JEWELL
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on October 15, 2010, after a prehearing conference and Appellee's September 20, 2010 filing of a Motion to Dismiss. I find that Appellant has filed this appeal regarding her change in job title.

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 124.03 grants this Board authority to review suspensions of more than three days, removals, reductions, layoffs, abolishments, and reclassifications as more fully described in sections 124.03(A)(1) and 124.14(D).

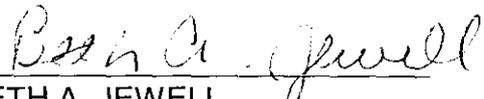
A review of the documents Appellant submitted at the prehearing conference, as well as a review of this Board's prior decision in Case No. 09-REC-05-0240, leads to the conclusion that the issues Appellant desires to pursue herein were previously litigated after Appellant appealed to this Board from Appellee's decision on her December 10, 2008 job audit request. In that case, a record hearing was held on January 6, 2010, the Administrative Law Judge issued his Report and Recommendation on January 13, 2010, and this Board adopted the Report and Recommendation on March 2, 2010.

No material changes in circumstances have occurred since the conclusion of the prior litigation. On June 14, 2010, Appellee notified Appellant that her position had been reclassified from "Information Processing Supervisor 1011214" to "Support Specialist Supervisor 1011214." An examination of the classification specifications for the foregoing positions reveals, however, no material changes in

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job duties. Rather, as Appellee explained at the prehearing conference, Appellee has undertaken a comprehensive review of all Cuyahoga County class specifications and, pursuant to this review, updated Appellant's position description to reflect the job title of the positions she supervises. Appellant continues to desire a position reclassification to a higher level position; this was the issue litigated in Case No. 09-REC-05-0240. No action has occurred subsequent to that litigation to confer the jurisdiction of this Board.

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


BETH A. JEWELL
Administrative Law Judge

BAJ: