

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

Regina Garmon-Brown,

Appellant,

v.

Case No. 10-SUS-02-0048

Lucas County Children Services,

Appellee.

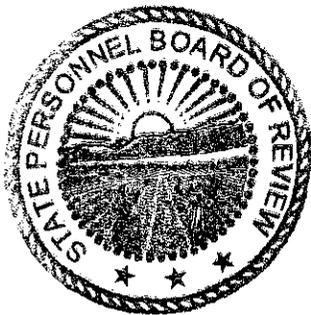
ORDER

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 subject matter jurisdiction, pursuant to O.R.C. § 124.34

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, April 7, 2010.



Clerk

NOTE: Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

4-7-10

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

REGINA GARMON-BROWN,

Case No. 10-SUS-02-0048

Appellant

v.

February 22, 2010

LUCAS COUNTY CHILDREN SERVICES,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

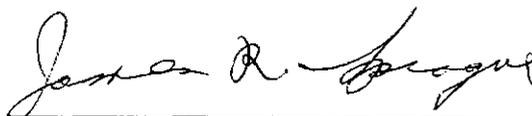
To the Honorable State Personnel Board of Review:

This matter came on for consideration on February 22, 2010. I find that Appellant has filed this appeal to protest her one-day suspension. *Appellant's initial discipline was modified and the one-day suspension and instant appeal are the result thereof.* See Case No. 09-RED-08-0376, Report and Recommendation of Administrative Law Judge Jeannette E. Gunn issued on February 3, 2010.

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. R.C. 124.03 grants this Board authority to review suspensions of greater than three days, removals, reductions, layoffs and abolishments.

Suspensions of three days or fewer are not appealable to the State Personnel Board of Review, pursuant to R.C. 124.34. See Am. Sub. H.B 187, effective July 1, 2007. See, also *Gillard v. Norris* (1988), 857 F.2d 1095; *Rapier v. Darke County Board of Mental Retardation and Developmental Disabilities* (Mar. 10, 1993), Franklin Co., No. 92-CV-09-7589, unreported.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of subject matter jurisdiction, pursuant to R.C 124.34.



JAMES R. SPRAGUE
Administrative Law Judge