

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

Melane Keeler-Black,

Case Nos. 10-SUS-04-0088
10-MIS-04-0089

Appellant.

v.

Wood County,
Board of Developmental Disabilities,

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** since Appellant has failed to assert any claims over which this Board may exercise its subject matter jurisdiction, pursuant to O.R.C. § 124.34(B).

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.

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Melanie Keeler-Black,

Appellant

v.

Wood County Board of
Developmental Disabilities,

Appellee

Case Nos. 10-SUS-04-0088
10-MIS-04-0089

April 20, 2010

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on April 20, 2010. I find that Appellant has filed this appeal to protest her suspension of twenty-four hours and Appellee's alleged imposition of a last chance agreement.

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 124.34(B) provides that suspensions of twenty-four work hours or less are not appealable to the State Personnel Board of Review. Further, that section of the Ohio Revised Code provides for a review of a last-chance agreement only in the event that an employee is removed pursuant to such an agreement. In such instance, the Board is empowered only to determine whether the employee violated the agreement and thus affirm or disaffirm the judgment of the appointing authority.

Therefore, because Appellant has failed to assert any claims over which this Board may exercise its subject matter jurisdiction, I respectfully **RECOMMEND** that the above-referenced appeals be **DISMISSED**.



Jeannette E. Gunn
Administrative Law Judge