

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

KATHLEEN RICHARDSON,

Appellant,

v.

Case No. 11-ABL-09-0342

DEPARTMENT OF REHABILITATION & CORRECTION,
RICHLAND CORRECTIONAL INSTITUTION,

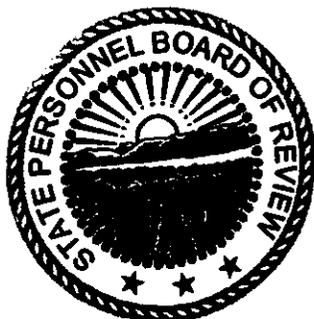
Appellee

ORDER

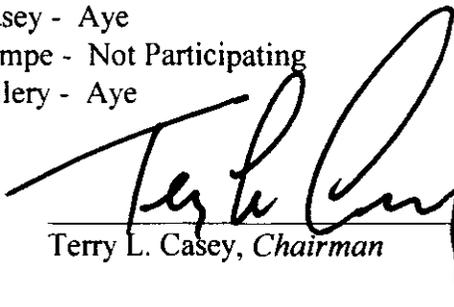
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the entirety of the record, 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.

Wherefore, it is hereby **ORDERED** that the appeal is **DISMISSED** for lack of jurisdiction.



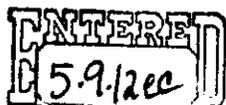
Casey - Aye
Lumpe - Not Participating
Tillery - Aye


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, May 09, 2012.




Erin E. Conroy
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**

Kathleen Richardson

Case No. 11-ABL-09-0342

Appellant

v.

February 15, 2012

Department of Rehabilitation & Correction,
Richland Correctional Institution

Appellee

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on February 15, 2012, upon Appellee's Motion to Dismiss For Lack of Jurisdiction. Appellee contends this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. Appellant did not file a memorandum *contra*.

I find that the Appellant is classified as a Health Information Technician 1. The Health Information Technician 1 classification is included in a bargaining unit which is represented by Ohio Civil Service Employees Association. Appellee Department of Rehabilitation & Correction, Richland Correctional Institution and the Ohio Civil Service Employees Association have signed a collective bargaining contract, which covers the Appellant's bargaining unit.

The above contract provides a grievance procedure resulting in final and binding arbitration. The Appellant's position was abolished; this action is covered by the contract grievance procedures. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

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



Marcie M. Scholl
Administrative Law Judge

:mms