

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Jonda E. Clipner,

Appellant,

Case Nos. 11-INV-02-0040

11-MIS-02-0041

v.

Ohio State University,

Appellee.

ORDER

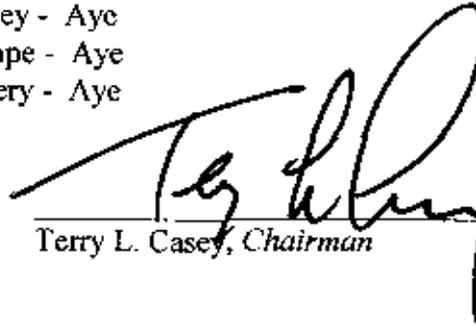
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 jurisdiction over their respective subject matter, pursuant to O.R.C. § 124.03 et seq.



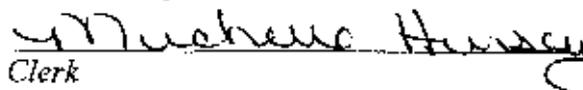
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 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, July 22, 2011.


Michelle Hunsy
Clerk

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

7-22-11mH

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JONDA E. CLIPNER,

Appellant

v.

OHIO STATE UNIVERSITY,

Appellee

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June 10, 2011

JAMES R. SPRAGUE
Administrative Law Judge

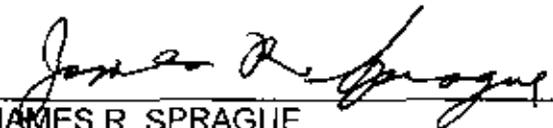
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These matters came on for consideration on May 27, 2011 pursuant to a Status Conference. Based on the records, to date, it appears that the parties have settled the underlying issue in Appellant's previous appearances before this Board that dealt with Appellee providing Appellant with a "disciplinary" loss of displacement rights. That action appears to have been rescinded by Appellee. Appellant now seeks further action regarding Appellee's contention that Appellant's previous (now rescinded) loss of displacement rights serves as notice to her regarding her alleged job performance deficiencies.

Unlike a court, this Board has jurisdiction only when it has been explicitly conferred upon this Board by the Ohio General Assembly. Neither R.C. 124.03 nor any other provision of R.C. Chapter 124, expressly grants this Board the authority to enforce agreements reached between parties. Neither does R.C. Chapter 124, confer subject matter jurisdiction on this Board to review the notice implications of a (rescinded) loss of displacement rights.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeals for lack of jurisdiction over their respective subject matter, pursuant to R.C. 124.03 et seq.



JAMES R. SPRAGUE
Administrative Law Judge