

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

ROBIN EVANS,

*Appellant,*

v.

Case No. 11-MIS-05-0167

UNIVERSITY OF AKRON,  
BOARD OF TRUSTEES,

*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 this appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to sections 124.03 and 124.34 of the Ohio Revised Code.



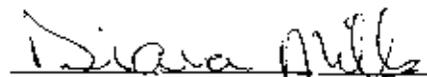
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, September 19, 2011, 2011.

  
Clerk

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

9-19-11

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

Robin Evans

Case No. 11-MIS-05-0167

*Appellant*

v.

August 23, 2011

University of Akron, Board of Trustees

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

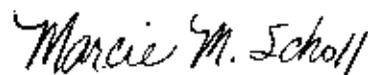
**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration on August 23, 2011, upon the filing of a notice of an appeal on May 9, 2011. Two cases have arisen out of Appellant Evans appeal. The other one is a removal case, case number 11-REM-05-0166 and it is scheduled for a hearing on October 18, 2011. The instant case involves Appellant Evans' allegations and appeal of a hostile work environment.

Unlike a court of general jurisdiction, this Board has only the authority granted to it by statute. This Board's jurisdiction derives from sections 124.03 and 124.34 of the Ohio Revised Code. Neither of those statutes gives this Board the authority to hear an appeal of an allegation of a hostile work environment. There are other agencies in the state which address those issues, such as the Ohio Civil Rights Commission or the EEO agency.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**, due to a lack of subject matter jurisdiction.



---

Marcie M. Scholl

*Administrative Law Judge*

MMS: