

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

Francis Gaul,

Appellant,

v.

Case No. 11-REM-04-0100

Cuyahoga County Engineer,

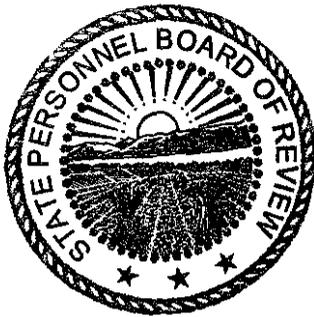
Appellee.

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 jurisdiction, pursuant to Article IX, section 9.02(1) of the Charter.



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 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, June 2, 2011.


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**

Francis Gaul,

Case No. 11-REM-04-0100

Appellant

v.

May 3, 2011

Cuyahoga Co, Engineer,

Christopher R. Young

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon the filing of a notice of appeal in the above captioned case. Appellant Gaul notes on his notice of appeal form that he was an employee of Cuyahoga County Engineer's office and was removed from his position with the County effective April 10, 2011.

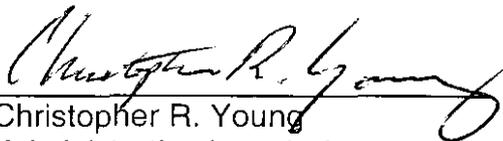
Cuyahoga County became a charter form of government with the passage of their Charter, effective January 1, 2010. Due to the transition provisions found in the Charter, the County Executive, who is the chief executive officer of the county, did not take office until January 1, 2011. (Article II, section 2.01 of the Charter). The County Executive, in turn, appointed members to the Human Resource Commission. (Article IX, section 9.01 of the Charter). As provided for in Article IX, section 9.02(1) of the Charter, the Human Resource Commission has:

(1) Responsibility for the resolution or disposition of all personnel matters, with authority to appoint hearing officers to hear all employee appeals previously under the jurisdiction of the State Personnel Board of Review. . .

Therefore, this Board no longer possesses jurisdiction over an employee falling under the auspices of the Cuyahoga County Charter after January 1, 2011. Since Appellant Gaul states that he was removed effective April 10, 2011, his appeal lies with the Human Resource Commission and not with the State Personnel Board of Review.

Francis Gaul
Case No. 11-REM-04-0100
Page 2

Therefore, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED** due to this Board's lack of jurisdiction.


Christopher R. Young
Administrative Law Judge

CRY: