

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ARCHIE SPEELMAN,

Appellant,

v.

Case Nos. 11-REM-11-0355
11-INV-11-0356

ANNIE'S OUTREACH,

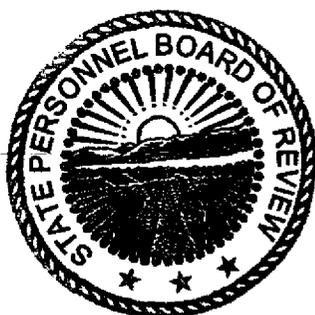
Appellee

ORDER

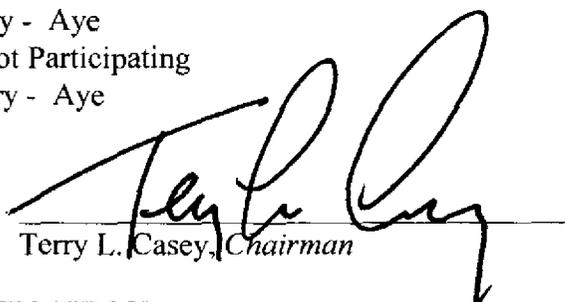
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the entirety of the records, 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 and the investigation request is **TERMINATED**.



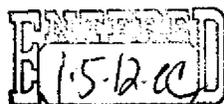
Casey - Aye
Lumpe - Not Participating
Tillery - Aye


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, January 05, 2012.




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**

Archie Speelman,

Appellant

v.

Annies Outreach,

Appellee

Case No. 11-REM-11-0355

Case No. 11-INV-11-0356

November 23, 2011

Christopher R. Young

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on November 23, 2011, upon the Appellant's Response to the Procedural Order and Questionnaire previously issued on November 4, 2011, received by this Board on November 9, 2011, and upon the Appellee's Response to the Procedural Order and Questionnaire previously issued on November 4, 2011, received by this Board on November 14, 2011. Appellant has appealed his removal from employment with Annies Outreach, as well as filing an investigation request.

The Appellee in their response has asserted that "Annies Outreach" answers to the Safe Harbor Peer Support Services Board of Trustees and are funded by the Delaware-Morrow Mental Health Recovery and Services Board on a yearly contract. Further, the Appellee has asserted that they are a private, non-profit mental health consumer run outreach center registered with the State of Ohio Secretary of State and certified by the Ohio Department of Mental Health.

R.C. Section 124.03(A) provides that this Board shall hear appeals of employees in the state service. R.C. Section 124.01(B) defines "state service" as follows:

* * *

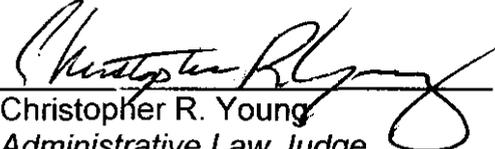
(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of

the cities, city health districts, and city school districts of the state.

* * *

Clearly, an employee of a private, non-profit mental health consumer run outreach center is not covered by the definitions set forth above. As such, this Board lacks jurisdiction to hear a direct appeals arising from the Appellant's removal and investigation request, as the Appellant is not employed in the classified civil service.

Therefore, I **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction, and **TERMINATE** the investigation request.


Christopher R. Young
Administrative Law Judge

CRY: