

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ROBERT LOELOFF,

Appellant,

v.

Case No. 11-SUS-09-0330

DEPARTMENT OF REHABILITATION & CORRECTION,
PICKAWAY CORRECTIONAL INSTITUTION,

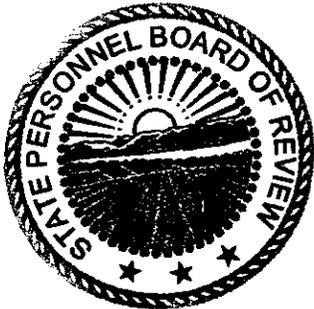
Appellee

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.

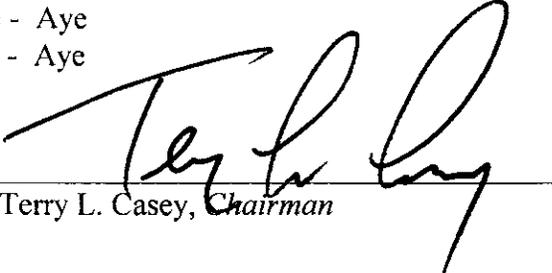
Wherefore, it is hereby **ORDERED** that the appeal is **DISMISSED** for lack of subject matter jurisdiction, pursuant to Ohio Revised Code Sections 124.03 and 124.34.



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, April 16, 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**

ROBERT LOELOFF,

Case No. 11-SUS-09-0330

Appellant

v.

March 14, 2012

DEPARTMENT OF REHABILITATION AND CORRECTION,
PICKAWAY CORRECTIONAL INSTITUTION,

Appellee

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon the parties' March 12, 2012 filing of Joint Stipulations of Law and Fact. This follows a pre-hearing and the filing of jurisdictional motions in this matter.

Based on the Joint Stipulations, I find that Appellant has filed this appeal to protest his 40 hour working suspension. I further find that Appellant encumbers a position that is FLSA-overtime exempt. Finally, I find that this Board lacks jurisdiction over suspensions of 40 or fewer hours for FLSA-overtime exempt employees such as Appellant.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to R.C. 124.03 and R.C. 124.34.


JAMES R. SPRAGUE
Administrative Law Judge