

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

DAVID M. SEMAN,

*Appellant,*

v.

Case No. 12-ABL-10-0222

CITY OF LAKEWOOD,

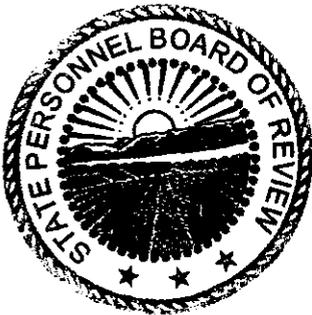
*Appellee*

**ORDER**

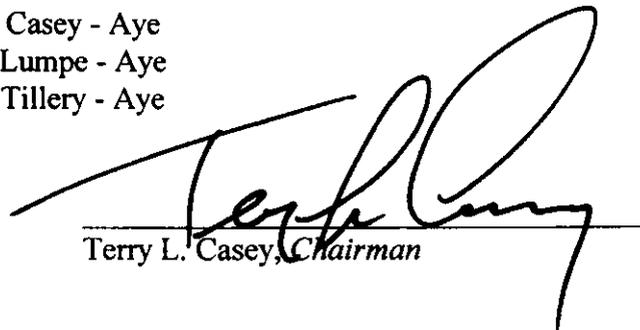
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 case is **DISMISSED** for lack of jurisdiction.



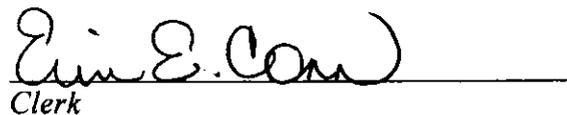
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
Terry L. Casey, *Chairman*

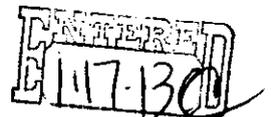
**CERTIFICATION**

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, January 17, 2013.

  
Erin E. Conroy  
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

David M. Seman,

Case No. 12-ABL-10-0222

*Appellant*

v.

October 18, 2012

City of Lakewood,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on October 18, 2012. Appellant appeals the abolishment of his position of employment with the City of Lakewood, Ohio.

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:

\* \* \*

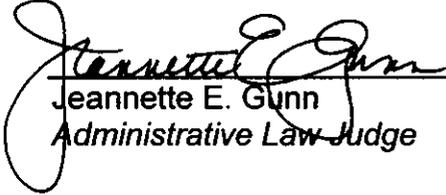
(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

\* \* \*

A municipal employee is not an employee in the "state service," as defined above. Accordingly, I find that this Board lacks jurisdiction to hear the instant appeal.

David M. Seman  
Case No. 12-ABL-10-0222  
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I respectfully **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction.

  
Jeannette E. Gunn  
Administrative Law Judge

JEG: