

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

DAVID STRINE,

Appellant,

v.

Case No. 12-FRN-09-0191

DEPARTMENT OF REHABILITATION & CORRECTION,
OHIO REFORMATORY FOR WOMEN,

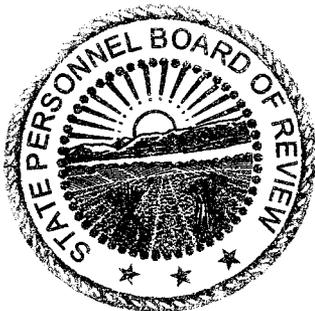
Appellee

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 jurisdiction pursuant to Ohio Revised Code Section 4117.10(A).



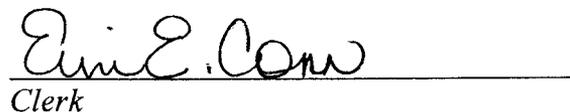
Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

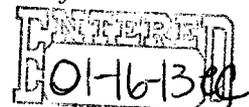
CERTIFICATION

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 16, 2013.


Erin E. Conner
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 Strine

Case No. 12-FRN-09-0191

Appellant

v.

November 19, 2012

Department of Rehabilitation & Correction,
Ohio Reformatory for Women

Appellee

Marcie M. Scholl
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on November 19, 2012, upon Appellee's Motion to Dismiss for Lack of Jurisdiction, filed on October 3, 2012. Appellee contends this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. Appellant Strine did not file a memorandum *contra*.

I find that the Appellant is classified as a Corrections Officer 1. The Corrections Officer 1 classification is included in a bargaining unit which is represented by the Ohio Civil Service Employees Association, Local 11. Appellee and the Ohio Civil Service Employees Association, Local 11 have signed a collective bargaining contract, which covers the Appellant's bargaining unit.

The above contract provides a grievance procedure resulting in final and binding arbitration. Appellant Strine alleges he was forced to resign; this action is covered by the contract grievance procedures. Also, Appellee indicated on its response to a questionnaire issued by this Board, that Appellant Strine filed a grievance, pursuant to the collective bargaining agreement, regarding his alleged forced resignation. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

David Strine
Case No. 12-FRN-09-0191
Page 2

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of jurisdiction pursuant to section 4117.10(A) of the Ohio Revised Code.



Marcie M. Scholl
Administrative Law Judge

:mms