

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

WANDA KING,

Appellant,

v.

Case No. 12-LAY-05-0103

RESCUE MENTAL HEALTH SERVICES,

Appellee

ORDER

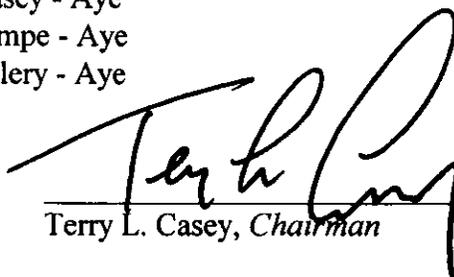
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 instant appeal is **DISMISSED** for lack of jurisdiction over its subject matter, pursuant to Ohio Revised Code Chapters 124 and 4167.



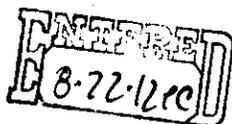
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, August 22, 2012.




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**

WANDA KING,

Case No. 12-LAY-05-0103

Appellant

v.

July 24, 2012

RESCUE MENTAL HEALTH SERVICES,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's May 21, 2012 filing of an appeal from her apparent layoff from her position with Appellee, Rescue Mental Health Services. On June 4, 2012, this Board issued a Procedural Order concerning the question of whether this Board possessed jurisdiction over the subject matter of this appeal.

In response thereto, on June 11, 2012, Appellee filed a letter indicating that Appellee is a private, non-profit corporation and, as such, does not fall under the jurisdiction of this Board pursuant to the state's civil service laws. Appellee also attached to its letter a document that appears to have been generated by the Office of the Secretary of State regarding the "Corporation Details" of Appellee. This document appears to confirm Appellee's factual assertion that Appellee is a "corporation for non-profit".

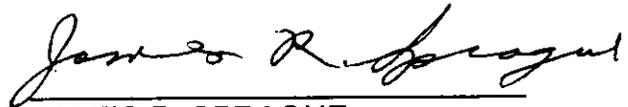
On July 17, 2012, Appellant filed a reply to Appellee's response. In Appellant's reply, Appellant asserts that Appellee has applied for and received "Public Funding" from various governmental entities including, but not limited to, the State of Ohio and its several counties. Thus, Appellant further asserts, this Board should possess jurisdiction to review the due process proceedings of Appellee.

Based on the record established to date, I find that Appellee is a "corporation for non-profit" organized under the laws for same in the State of Ohio. It is unrebutted in the record that Appellee does, on a periodic basis, apply for and receive funds from the State of Ohio and/or its several counties.

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This Board's subject matter jurisdiction is set forth in large measure in R.C. Chapter 124. That jurisdiction does not extend to corporations for non-profit, even if those same entities receive some share of their funding from the State of Ohio and its political subdivisions. Unfortunately, then, for Appellant, this Board simply lacks authority to further pursue the subject matter of Appellant's layoff and this appeal should be dismissed, accordingly.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of jurisdiction over its subject matter, pursuant to R.C. Chapters 124. and 4167.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: