

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

MATTHEW FRENCH,

Appellant,

v.

Case Nos. 12-MIS-05-0101
12-MIS-05-0102

OHIO STATE UNIVERSITY,

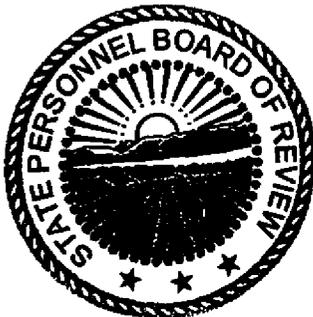
Appellee

ORDER

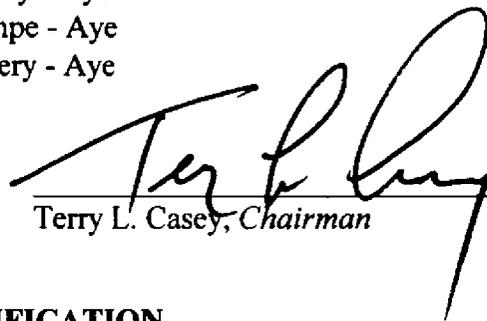
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 instant appeals are **DISMISSED** for lack of subject matter jurisdiction.



Casey - Aye
Lumpe - Aye
Tillery - Aye

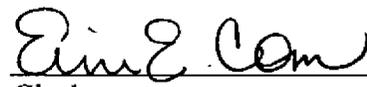

Terry L. Casey, *Chairman*

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, July 11, 2012.




Erin E. Com
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**

Matthew French,

Appellant

v.

Ohio State University,

Appellee

Case No. 12-MIS-05-0101
12-MIS-05-0102

June 7, 2012

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on June 7, 2012. Appellant filed an appeal with this Board on May 18, 2012, alleging that he had been the victim of "disability discrimination" and "FMLA retaliation." The two claims were designated as the two above-referenced matters.

Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. No section of the Ohio Revised Code grants the Board authority to review charges of disability discrimination or FMLA retaliation.

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of subject matter jurisdiction.



Jeannette E. Gunn
Administrative Law Judge

JEG: