

**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

FAITH E. ACHTERMANN,

*Appellant,*

v.

BUCYRUS CITY SCHOOL DISTRICT,

*Appellee*

Case Nos.: 12-ABL-06-0118 ✓

12-LAY-06-0119 ✓

12-REC-06-0120 ✓

12-TFR-06-0121 ✓

12-REM-06-0122 ✓

12-RED-06-0123 ✓

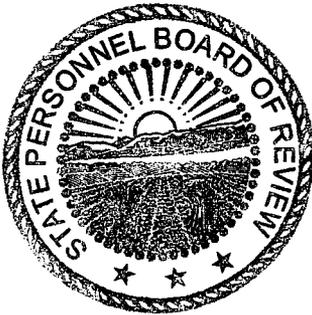
12-MIS-06-0124 ✓

**ORDER**

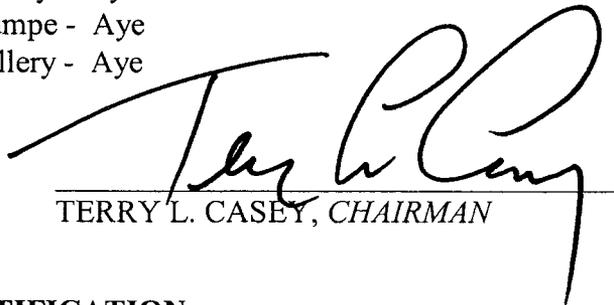
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the record and 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 these appeals be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. 124.03 *et seq.*



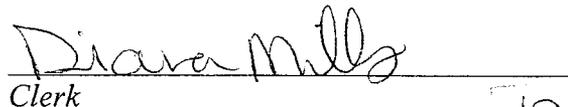
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, December 5, 2012.

  
Clerk

**NOTE:** Please see the reverse side of this Order or the attachment to this Order for information regarding your appeal rights.

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**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

FAITH E. ACHTERMANN,

Case Nos. 12-ABL-06-0118 *et al.*

*Appellant*

v.

August 14, 2012

BUCYRUS CITY SCHOOL DISTRICT,

JAMES R. SPRAGUE

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

These matters came on for consideration upon Appellant's filing of appeals from various alleged actions taken by Appellee, Bucyrus City School District. (See SPBR Case Nos. 12-ABL-06-0118, 12-LAY-06-0119, 12-REC-06-0120, 12-TFR-06-0121, 12-REM-06-0122, 12-RED-06-0123, and 12-MIS-06-0124). On June 29, 2012, Appellee filed Appellee's Motion to Dismiss for Lack of Jurisdiction, and Affidavit and Memorandum in Support of Same. Appellant was provided with the requisite time and with extra time in which to file a memorandum *contra* to Appellee's motion to dismiss but, to date, has not done so.

R.C. 124.03(A) sets forth this Board's general jurisdiction. That jurisdiction does not extend to city school districts except for claims involving the Board's whistleblower authority under R.C. 124.341 or this Board's osha-type authority under R.C. 4167.13. Appellant has not raised a claim under any either of these two types of subject matter. Accordingly, this Board lacks jurisdiction over Appellant's appeals and they should be dismissed.

Further, Appellant has failed to file a memorandum *contra* to Appellee's motion to dismiss, as required by O.A.C. 124-11-07 (A) (2) and (C).

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the above-referenced cases for lack of jurisdiction over their respective subject matter, pursuant to R.C. 124.03 *et seq.*

  
JAMES R. SPRAGUE  
*Administrative Law Judge*