

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

AMANDA ROBERTS,

Appellant,

v.

Case No. 12-REM-05-0096

LOGAN COUNTY
BOARD OF DEVELOPMENTAL DISABILITIES,

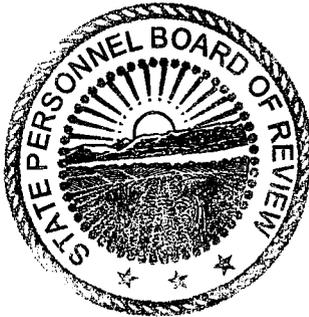
Appellee

ORDER

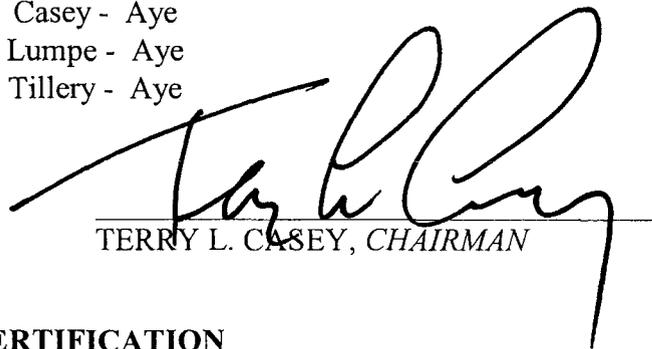
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

After a thorough examination of the 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 this appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. §§ 124.03 and 124.27.



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.



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

AMANDA ROBERTS,

Case No. 12-REM-05-0096

Appellant

v.

August 9, 2012

LOGAN COUNTY BOARD OF DEVELOPMENTAL DISABILITIES,

Appellee

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's filing of an appeal from her removal from her position with Appellee, Logan County Board of Developmental Disabilities. On June 4, 2012, this Board issued a Procedural Order and Questionnaire to Appellee. On June 29, 2012, Appellee filed the Reply of Logan County Board of Developmental Disabilities; Motion to Dismiss. Appellant was expressly provided with an opportunity to file a response to Appellee's reply and motion to dismiss but, to date, has not done so.

It is unrebutted in the record and I find that Appellant was appointed to a classified full-time position with Appellee, effective November 21, 2011. I further find that Appellant's position was assigned a 180-day probationary period. Appellant was removed from her position on May 4, 2012; for allegedly failing to address specific deficiencies noted at or about the time of her February 7, 2012 performance review.

Appellant was removed during her 180-day probationary period. R.C. 124.27 bars the right of appeal to a probationary employee such as Appellant who has been "... duly removed or reduced in position for unsatisfactory service." Accordingly, this Board lacks jurisdiction over the subject matter of this appeal and it should, thus, be dismissed.

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. 124.03 and R.C. 124.27.


JAMES R. SPRAGUE
Administrative Law Judge

JRS: