

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

MARY LOU BRASEE,

Appellant,

v.

Case No. 12-REM-05-0097

LORAIN COUNTY, SOUTH LORAIN COUNTY AMBULANCE DISTRICT,

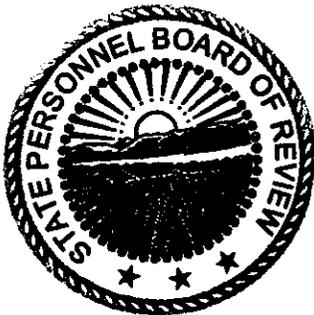
Appellee

ORDER

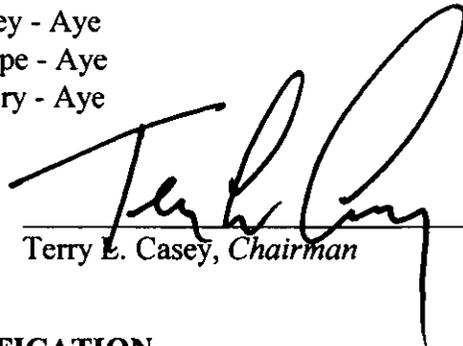
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** due to a lack of jurisdiction pursuant to sections 124.03 and 505.72 of the Ohio Revised Code.



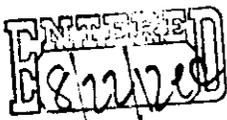
Casey - Aye
Lumpe - Aye
Tillery - Aye

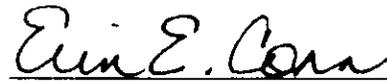

Terry E. Casey, *Chairman*

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. Conn
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**

Mary U. Brasee

Case No. 12-REM-05-0097

Appellant

v.

July 18, 2012

South Lorain County Ambulance District

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon the notice of appeal filed by Appellant Brasee on May 16, 2012. This Board issued a Procedural Order and Questionnaire to Appellee on June 12, 2012 and Appellee filed its response to the Questionnaire on June 29, 2012. To date, Appellant Brasee has not filed an optional reply.

Pursuant to the answers provided in Appellee's response, I find that the South Lorain County Ambulance District is comprised of townships and villages and is governed by a Board of Trustees. That Board is also responsible for employing persons, fixing their compensation and removing employees.

The State Personnel Board of Review does not have jurisdiction to hear direct appeals from employees of South Lorain County Ambulance District, which was created pursuant to Revised Code section 505.71. The employees are not within the provisions of the law relating to civil service, as defined in Revised Code Section 124.01, *et seq.* This Board does not possess jurisdiction over employees of townships and villages and section 505.72(A) of the Ohio Revised Code specifically provides that a right to appeal a removal from a Joint Ambulance District is to the court of common pleas. That statute states as follows, in pertinent part:

(A) The board of trustees of a joint ambulance district shall provide for the employment of such employees as it considers best, and shall fix their compensation. Such employees shall continue in office until removed as provided by sections 733.35 to 733.39 of the Revised

Mary U. Brasee
Case No. 12-REM-05-0097
Page 2

Code. To initiate removal proceedings, and for such purpose, the board shall designate a private citizen to investigate the conduct and prepare the necessary charges in conformity with sections 733.35 to 733.39 of the Revised Code. The board may pay reasonable compensation to such person for the person's services.

In case of the removal of an employee of the district, an appeal may be had from the decision of the board to the court of common pleas of the county in which such district, or part of it, is situated, to determine the sufficiency of the cause of removal. Such appeal from the findings of the board shall be taken within ten days. (Emphasis added).

Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** due to a lack of jurisdiction pursuant to sections 124.03 and 505.72 of the Ohio Revised Code.



Marcie M. Scholl
Administrative Law Judge

:mms