

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

DAVID WILSON,

Appellant,

v.

Case No. 12-REM-07-0161

CITY OF CHILLICOTHE,

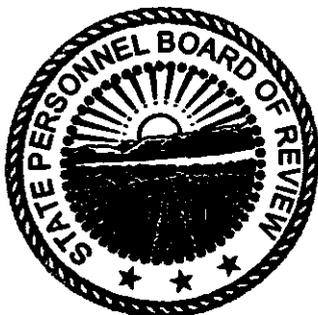
Appellee

ORDER

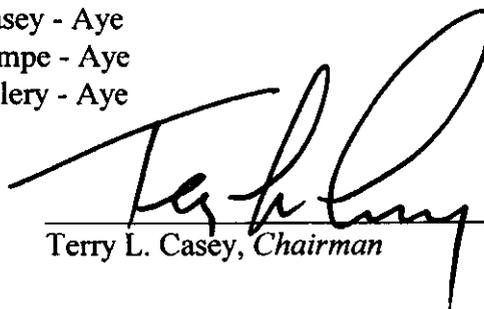
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Sections 124.03 and 124.34.



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, September 30 2012.




Erin E. Cow
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**

DAVID WILSON,

Case No. 12-REM-07-0161

Appellant

v.

August 1, 2012

CITY OF CHILLICOTHE,

JAMES R. SPRAGUE

Appellee

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 his removal from the position of Water Meter Reader with Appellee, City of Chillicothe.

R.C. 124.03(A) and R.C. 124.34 combine to set forth this Board's jurisdiction over the removal of classified employees. Unfortunately, for Appellant, neither of these provisions provides this Board with authority to consider the merits of the removal of a municipal employee. Accordingly, this matter should be dismissed. Moreover, Appellant's avenue of remedy may lie with the City of Chillicothe Civil Service Commission.

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. 124.34.



JAMES R. SPRAGUE

Administrative Law Judge

JRS: