

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Jodi Bradbury Owens,

Appellant,

v.

Case No. 2012-REM-10-0236

Sinclair Community College,

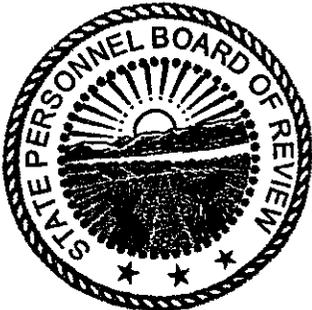
Appellee.

ORDER

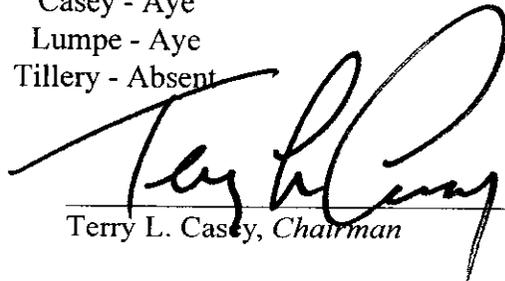
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellee's motion is **GRANTED** and the instant appeal is **DISMISSED** for lack of jurisdiction over its subject matter, pursuant to R.C. Chapter 124., R.C. 3354.02, and R.C. 3354.25



Casey - Aye
Lumpe - Aye
Tillery - Absent


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 the foregoing is ~~(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 10, 2013.


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**

JODI BRADBURY-OWENS,

Case No. 12-REM-10-0236

Appellant

v.

March 12, 2013

SINCLAIR COMMUNITY COLLEGE,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's filing of an appeal from her removal from her position as Assistant Director of Financial Aid-Compliance Officer with Appellee, Sinclair Community College. Appellant's removal resulted from Appellee's elimination of Appellant's position.

On February 25, 2013, Appellee filed the Motion to Dismiss of Appellee Sinclair Community College, an accompanying Memorandum in Support, and attached supporting documentation. This documentation included Appellee's response to this Board's Questionnaire regarding a no order removal. Appellant was provided with the requisite time frame in which to respond to Appellee's motion to dismiss, but, to date, she has not done so.

O.A.C. 124-11-07 (A) (2) and (C) combine to require an opposing party to file a memorandum *contra* to a properly filed and supported motion to dismiss within 10 days of service of the motion to dismiss. Appellant has not complied with these filing requirements.

Further, it appears that Appellee's motion to dismiss has merit. This is because it appears that Sinclair Community College does not fall under the jurisdiction of this Board, as set forth in R.C. Chapter 124., so as to allow this Board to consider the merits of the elimination of Appellant's position of Assistant Director of Financial Aid-Compliance Officer.

To summarize, Appellant has not complied with the filing requirements set forth in R.C. 124-11-07 (A) (2) and (C). More importantly, it appears that this Board

lacks jurisdiction to consider the merits of Appellant's removal. Thus, this appeal should be dismissed.

Therefore, I respectfully **RECOMMEND** that this Board **GRANT** Appellee's motion and **DISMISS** the instant appeal for lack of jurisdiction over its subject matter, pursuant to R.C. Chapter 124., R.C. 3354.02, and R.C. 3354.25.

A handwritten signature in cursive script, reading "James R. Sprague".

JAMES R. SPRAGUE

Administrative Law Judge

JRS: