

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

BRIAN W. SELLERS,

Appellant,

v.

Case No. 12-REM-11-0239

VILLAGE OF BARNESVILLE,
BARNESVILLE FIRE DEPARTMENT,

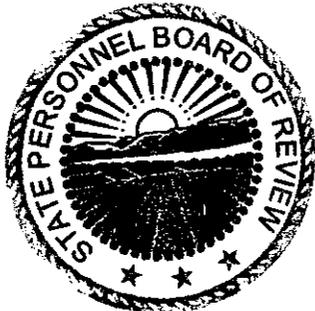
Appellee

ORDER

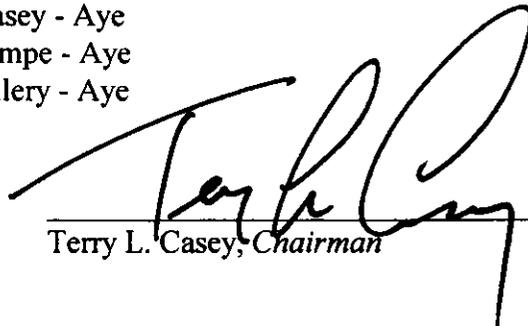
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 subject matter jurisdiction pursuant to Ohio Revised Code Sections 124.03 and 124.34.



Casey - Aye
Lumpe - Aye
Tillery - Aye


Terry L. Casey, *Chairman*

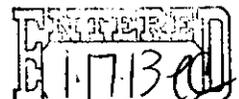
CERTIFICATION

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, January 17, 2013.


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**

BRIAN W. SELLERS,

Case No. 12-REM-11-0239

Appellant

v.

November 16, 2012

VILLAGE OF BARNESVILLE,
BARNESVILLE FIRE DEPARTMENT,

JAMES R. SPRAGUE
Administrative Law Judge

Appellee

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter comes on due to Appellant's November 5, 2012 filing of an appeal from his removal from his position of employment with the Village of Barnesville, Barnesville Fire Department.

R.C. 124.03 and R.C. 124.34 set forth the general jurisdiction of this Board to hear appeals from civil service removals. Neither of those provisions provides this Board with authority to hear a removal appeal from a village employee, whose potential avenue of remedy may lie directly with the pertinent court. Accordingly, since this Board lacks jurisdiction over the subject matter of this appeal, it should 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. 124.34.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: