

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

SHELBA BRADLEY,

Appellant,

v.

Case No. 12-SUS-01-0024

DEPARTMENT OF TRANSPORTATION,

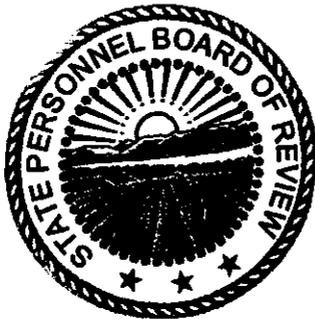
Appellee

ORDER

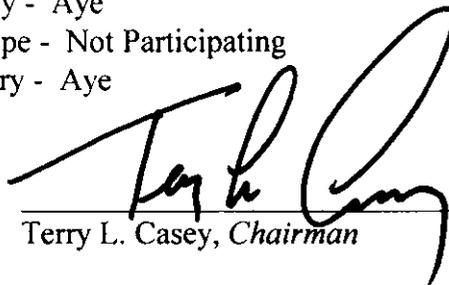
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Section 124.34(B).



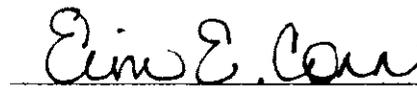
Casey - Aye
Lumpe - Not Participating
Tillery - Aye


Terry L. Casey, *Chairman*

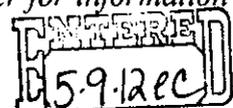
CERTIFICATION

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, May 09, 2012.


Erin E. Conner
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**

SHELBA BRADLEY,

Case No. 12-SUS-01-0024

Appellant

v.

February 23, 2012

DEPARTMENT OF TRANSPORTATION,

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 to protest her three-day suspension.

Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred by the Ohio General Assembly. R.C. 124.34 (B) grants this Board authority to review suspensions of greater than 24 work hours for FLSA overtime-eligible employees and to review suspensions of greater than 40 work hours for FLSA overtime-eligible employees.

Because Appellant's appeal concerns a three-day suspension, it does not appear that Appellant's suspension comes under the subject matter jurisdiction of this Board. *However, if Appellant's position is overtime-eligible and if her suspension exceeded 24 work hours, then Appellant is encouraged to apprise this Board of same in a timely filing of Objections to this Report and Recommendation.*

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. 124.34 (B).



JAMES R. SPRAGUE
Administrative Law Judge