

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

PAMELA A. MURALT,

Appellant,

v.

Case No. 12-SUS-04-0079

CITY OF MOUNT VERNON,

Appellee

ORDER

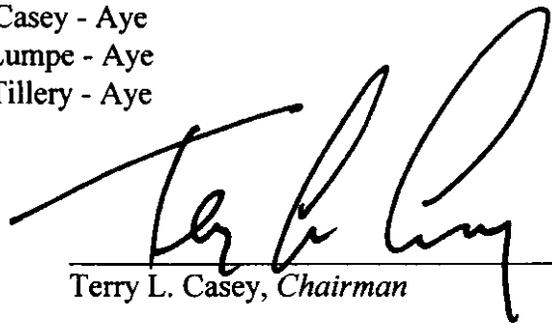
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED** for lack of jurisdiction.

Casey - Aye
Lumpe - Aye
Tillery - Aye

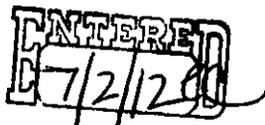


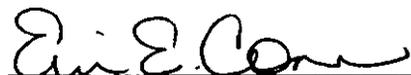

Terry L. Casey, *Chairman*

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, July 02, 2012.




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**

Pamela A. Muralt

Case No. 12-SUS-04-0079

Appellant

v.

May 25, 2012

City of Mount Vernon

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on May 25, 2012. Appellant appeals her three day suspension from employment with the city of Mount Vernon.

R.C. Section 124.03(A) provides that this Board shall hear appeals of employees in the state service. R.C. Section 124.01(B) defines "state service" as follows:

* * *

(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. **"State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state. (Emphasis added).**

* * *

Clearly, a municipal employee is not covered by the definitions set forth above. Therefore, this Board lacks jurisdiction to hear a direct appeal arising from the suspension of a municipal employee.

Also, pursuant to section 124.34 of the Ohio Revised Code, this Board does not possess jurisdiction over disciplinary actions of three days or less.

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Therefore, I **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction.

A handwritten signature in cursive script that reads "Marcie M. Scholl". The signature is written in black ink and is positioned above a horizontal line.

Marcie M. Scholl
Administrative Law Judge

:mms