

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

PATRICK BUCHANAN,

Appellant,

v.

Case No. 12-SUS-07-0172

DEPARTMENT OF YOUTH SERVICES, CENTRAL OFFICE,

Appellee

ORDER

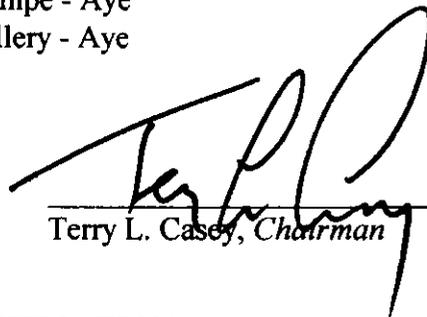
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 over its subject matter, pursuant to Ohio Revised Code Sections 124.03 and 124.34.



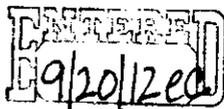
Casey - Aye
Lumpe - Aye
Tillery - Aye


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 20 2012.




Erin E. Conroy
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**

PATRICK BUCHANAN,

Case No. 12-SUS-07-0172

Appellant

v.

August 9, 2012

DEPARTMENT OF YOUTH SERVICES,
CENTRAL OFFICE,

Appellee

JAMES R. SPRAGUE
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 on July 26, 2012. I find that Appellant has filed this appeal to protest his one-day working suspension from his position of Principal for the Department of Youth Services' Ralph Starkey High School. It is noted that Appellant appears to have received at least the first page of an R.C. 124.34 Order of 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. 124.03 and R.C. 124.34 combine to grant this Board authority to review suspensions of greater than 24 hours for FLSA-overtime eligible employees and *to review suspensions of greater than 40 hours for FLSA-overtime exempt employees.*

Since Appellant received a one-day suspension, this Board lacks authority to review same. Accordingly, this matter should be dismissed.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** this 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