

**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

William G. Fankhauser,

*Appellant,*

v.

Case No. 2013-IDS-08-0209

City of Wadsworth,

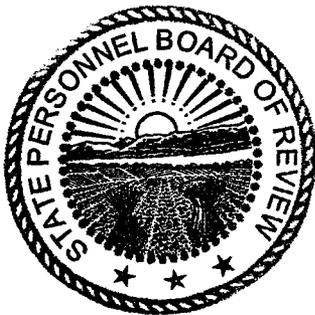
*Appellee.*

**ORDER**

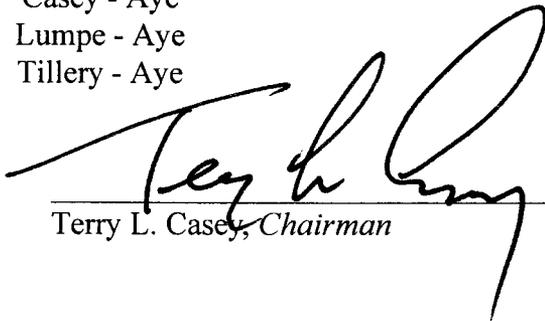
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 124.03.



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, October 09, 2013.

  
\_\_\_\_\_  
*Clerk*

**NOTE:** Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

10/9/13cc

**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

William G. Fankhauser,

Case No. 2013-IDS-08-0209

*Appellant*

v.

September 10, 2013

City of Wadsworth,

James R. Sprague

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's August 22, 2013 filing of an appeal from an Involuntary Disability Separation (IDS) from his position with the City of Wadsworth. In this appeal, Appellant seeks to invoke the IDS jurisdiction of this Board.

R.C. 124.03 (A) generally sets forth this Board's jurisdiction over classified employees. It is true that the Revised Code does provide this Board with certain authority over city, city school district, and city health district employees. However, R.C. 124.03 does *not* provide this Board with authority to consider the merits of an IDS or the merits of a reinstatement request denial; when the employee involved is employed by a city, such as here.

Appellant may have an avenue of remedy through filing the appropriate action with a court of competent jurisdiction. Yet, clearly, Appellant's avenue of remedy does not lie with this Board. As such, the instant appeal 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.



James R. Sprague  
*Administrative Law Judge*