

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

JAMES BOLE,

*Appellant,*

v.

Case No. 13-MIS-03-0084

DEPARTMENT OF REHABILITATION & CORRECTION,  
DAYTON CORRECTIONAL INSTITUTION,

*Appellee*

**ORDER**

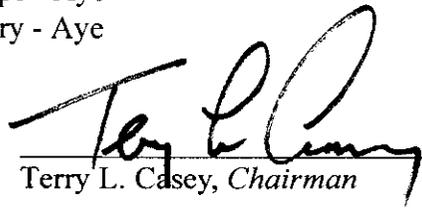
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 subject matter jurisdiction.

Casey - Aye  
Lumpe - Aye  
Tillery - Aye



  
Terry L. Casey, *Chairman*

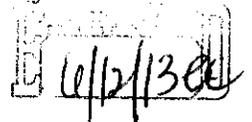
**CERTIFICATION**

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, June 12, 2013.

  
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**

James Bole

Case No. 13-MIS-03-0084

*Appellant*

v.

April 11, 2013

Department of Rehabilitation & Correction,  
Dayton Correctional Institution

*Appellee*

Marcie M. Scholl  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on April 11, 2013. I find that Appellant has filed this appeal to protest his denial of a promotion.

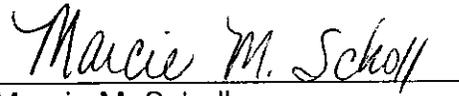
Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. Ohio Revised Code Section 124.56 grants this Board authority to make an investigation only when the Board has reason to believe that:

. . . any officer, board, commission, head of a department, or person having the power of appointment, layoff, suspension or removal, has abused such power by making an appointment, layoff, reduction, suspension, or removal of an employee under his or their jurisdiction in violation of this chapter [124.] of the Revised Code . . .

Section 124.56 of the Revised Code does not confer jurisdiction on this Board to conduct an investigation relative to the denial of a promotion. *Singh v. State* (1982), 7 Ohio App.3d 269, *Ketron v. Ohio Dept. of Transportation* (1991), 61 Ohio App.3d 657.

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Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter 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