

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Mark Wantage,

Appellant,

v.

Case No. 2013-MIS-04-0113

Department of Development,

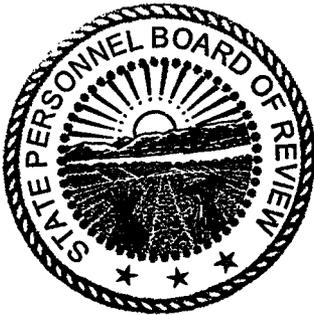
Appellee.

ORDER

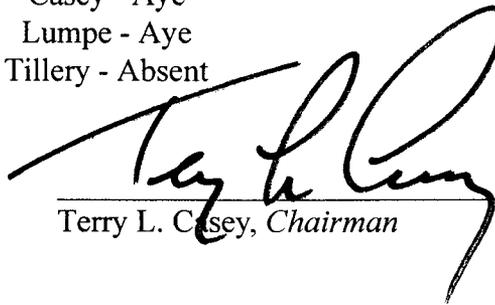
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 matter is **DISMISSED** for lack of jurisdiction, pursuant to R.C. 124.03.



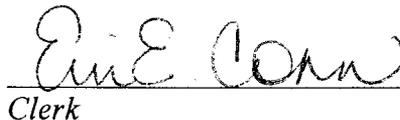
Casey - Aye
Lumpe - Aye
Tillery - Absent


Terry L. Casey, *Chairman*

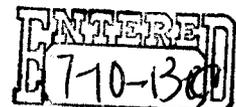
CERTIFICATION

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that the foregoing is ~~(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 10, 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**

Mark Wantage,

Case No. 13-MIS-04-0113

Appellant

v.

June 7, 2013

Department of Development,

Jeannette E. Gunn

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on pursuant to Appellant's appeal of the revocation of his unclassified appointment. Appellant filed his notice of appeal with this Board on April 29, 2013.

Information contained in the record and provided by Appellant indicates that he was notified in writing on April 19, 2013, by Appellee's Chief Legal Counsel that his unclassified appointment to the classification of Administrative Staff had been revoked, effective immediately. No reason for the revocation was contained in the notice provided to Appellant.

Civil service employment in the State of Ohio is divided into the classified and unclassified services. This Board does not generally possess subject matter jurisdiction over an appeal of an adverse job action brought by an unclassified employee, since Ohio Revised Code Section 124.03 limits this Board's jurisdiction to actions concerning classified employees. Appellant does not dispute that he was an unclassified employee at the time of the revocation of his appointment and this Board lacks jurisdiction to review the revocation of that appointment. The Board also lacks jurisdiction to consider Appellant's general claim that the revocation of his appointment was retaliatory.

Therefore, because Appellant occupied a position in the unclassified service at the time of the adverse job action from which the above-referenced appeal arises, I respectfully **RECOMMEND** that the matter be **DISMISSED** for lack of jurisdiction, pursuant to R.C. 124.03.


Jeannette E. Gunn
Administrative Law Judge

JEG: