STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Ivan D. Lavender,

Appellant,

v. Case Nos. 2013-INV-08-0200
2013-MIS-08-0201

Meigs County Board of Commissioners,

Appellee.

ORDER

These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

After a thorough examination of the entirety of the records, 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 Appellant's **REQUEST FOR INVESTIGATION** is **TERMINATED** and Appellant's **MISCELLANEOUS** additional claims are **DISMISSED** for lack of jurisdiction over their respective subject matters, pursuant to Ohio Revised Code Section 124.03 *et seq.*

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 23, 2013.

Clerk

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

10/23/13

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Ivan D. Lavender,	Case Nos. 2013-INV-08-0200 2013-MIS-08-0201
Appellant	
v.	September 27, 2013
Meigs County Board of Commissioners	James R. Sprague
Appellee	*Administrative Law Judge*

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These causes come on due to Appellant's August 5, 2013 filing of a request for this Board to review three issues involving Appellant's separation from employment with Appellee, Meigs County Board of Commissioners, for whom Appellant served as the Director of the Meigs County EMS and 911. Appellant's issues concerned the following subject matter, as characterized by Appellant.

First, Appellant asked this Board to review the MCBOC's withholding of 6 weeks of vacation pay upon Appellant's separation. **Secondly**, Appellant asked this Board to inquire as to why it took four weeks to pay Appellant any part of the vacation time. **Thirdly**, Appellant asked this Board to inquire regarding the neglect in filling Appellant's request for public records.

It was not entirely clear what, if any, jurisdiction this Board might possess over Appellant's three areas of concern. Accordingly, on August 20, 2013, this Board sent a copy of Appellant's request and materials to Appellee for its response. On September 9, 2013, Appellee filed its detailed response with this Board. On September 10, 2013, this Board sent a copy of Appellee's response to Appellant for his reply. On September 25, 2013, Appellant filed his detailed reply to Appellee's response.

Based on a thorough review of Appellant's and Appellee's respective materials, it now appears that this Board lacks jurisdiction to proceed further with Appellant's inquiry and investigation request. We will proceed to review Appellant's claims, in reverse order.

First, it is noted that this Board is not a reviewing forum concerning an allegation of an untimely or incomplete response to a public records request filed pursuant to the Ohio Revised Code. Secondly, there appears to be a cognizable and understandable reason as to why it took four weeks to pay Appellant for a portion of his claimed vacation time. Thirdly, a court of competent jurisdiction would likely be the appropriate forum for Appellant to bring an action, if he believes his vacation payout from Appellee was insufficient.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **TERMINATE** Appellant's **REQUEST FOR INVESTIGATION** and **DISMISS** Appellant's **MISCELLANEOUS** additional claims, for lack of jurisdiction over their respective subject matter, pursuant to R.C. 124.03 *et seq.*

James R. Sprague
Administrative Law Judge

JRS: