

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

Clarence Keckler, Jr.,

*Appellant,*

v.

Case No. 2013-REM-03-0079

Columbus Regional Airport Authority,

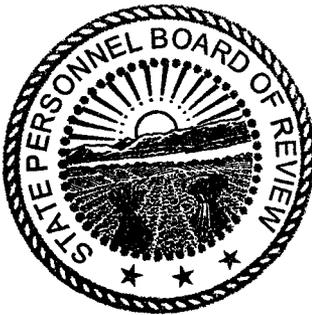
*Appellee.*

**ORDER**

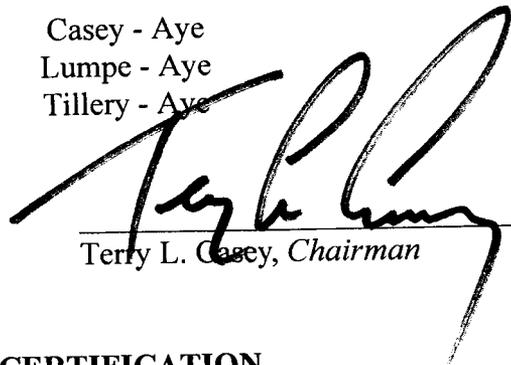
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Sections 124.03 and 124.34.



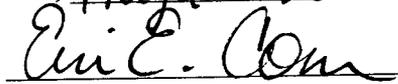
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
Terry L. Casey, *Chairman*

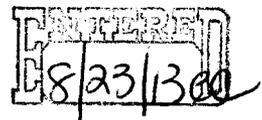
**CERTIFICATION**

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, August 23, 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**

CLARENCE KECKLER, JR.,

Case No. 13-REM-03-0079

*Appellant*

v.

April 9, 2013

COLUMBUS REGIONAL AIRPORT AUTHORITY,

*Appellee*

JAMES R. SPRAGUE  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's March 6, 2013 filing of an appeal of his removal from a position with Appellee, Columbus Regional Airport Authority. On March 18, 2013, this Board issued a Procedural Order and accompanying No Order Removal Questionnaire to Appellee regarding the appealed action. On April 5, 2013, Appellee timely filed its response thereto.

In Appellant's notice of appeal, Appellant's counsel lists the effective date of Appellant's removal as March 2, 2012. The use of the year "2012" was somewhat puzzling, since the date the notice of appeal was actually filed with this Board was not until March 6, 2013. Appellant's counsel also lists Appellant's receipt date of the notice of removal as March 8, 2012. In addition, the record at that time did not demonstrate that this Board possessed jurisdiction over the subject matter of the merits of a removal of an employee of Appellee.

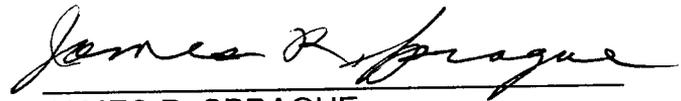
Accordingly, this Board issued the above-referenced Questionnaire. From that Questionnaire and from Appellant's notice of appeal, it now appears clear that Appellant was removed on or about March 2, 2012. Thus, the date of Appellant's filing far exceeds even the 30-day time limit set forth in O.A.C. 124-1-03 (I) for the filing of an appeal from a no order removal. Therefore, Appellant's appeal is untimely filed.

Since it now appears obvious that Appellant's appeal is untimely filed, the instant matter should be dismissed. Further, based on the extant record, it now appears likely that this Board lacks merit jurisdiction over the subject matter of the

CLARENCE KECKLER, JR.  
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removal of one of Appellee's employees. Finally, Appellee has asserted that Appellant's position was covered under a collective bargaining agreement reached between Appellee and the Fraternal Order of Police, Capital City Lodge #9.

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 and R.C. 124.34.

  
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JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: