

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Amy Hoefler,

*Appellant,*

v.

Case No. 2013-REM-03-0085

Muskingum County Auditor's Office,

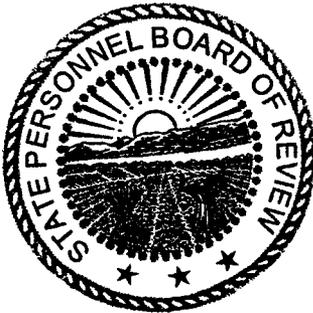
*Appellee.*

**ORDER**

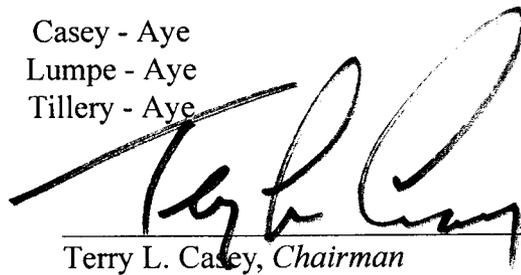
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 pursuant to section 124.27 of the Ohio Revised Code.



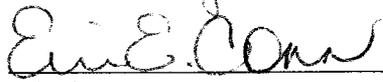
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, July 31, 2013.

  
Eric E. Conner  
Clerk

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

ENTERED  
7/31/13 ec

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

Amy Hoefler

Case No. 13-REM-03-0085

*Appellant*

v.

May 14, 2013

Muskingum County Auditors Office

*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 May 14, 2013.

A questionnaire was mailed to Appellee by this Board on April 11, 2013. Appellee filed its response to the questionnaire on April 26, 2013. Appellant had ten days from that date to file an optional reply. To date, no reply has been filed by Appellant. In its answer to question number five as to if Appellant was serving in a probationary period as of March 12, 2013, Appellee replied "yes" and further stated that Appellant Hoefler's probationary period was 180 days in length and that she began her employ on October 15, 2012. As stated above, Appellant Hoefler did not send in a reply disputing any of the information supplied by Appellee in its response to the questionnaire.

Therefore, I find Appellant was appointed as Mapping Technician on October 15, 2012. I further find that this classification has been assigned a 180 days probationary period.

Appellant was removed during her probationary period. Because there is no right to appeal from a removal which occurs during a probationary period, I conclude that the State Personnel Board of Review does not have subject matter jurisdiction.

Ohio Revised Code Section 124.27, which governs probationary periods, states as follows, in pertinent part:

No appointment or promotion is final until the appointee has satisfactorily served the probationary period. If the service of the probationary employee is unsatisfactory, the employee may be

Amy Hoefler  
Case No. 13-REM-03-0085  
Page 2

removed or reduced at any time during the probationary period. If the appointing authority decides to remove a probationary employee in the service of the state, the appointing authority shall communicate the removal to the director. **A probationary employee duly removed or reduced in position for unsatisfactory service does not have the right to appeal the removal or reduction under section 124.34 of the Revised Code.** (Emphasis added).

Therefore, I respectfully **RECOMMEND** this appeal be **DISMISSED** for a lack of subject matter jurisdiction pursuant to section 124.27 of the Ohio Revised Code.



---

Marcie M. Scholl  
*Administrative Law Judge*

:mms