

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Elkanard Smith, Jr,

Appellant,

v.

Cuyahoga County Metropolitan Housing Authority,

Appellee,

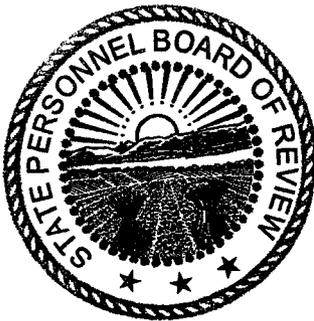
Case No. 2013-REM-12-0400
2013-SUS-12-0401
2013-WHB-12-0402
2013-MIS-12-0403

ORDER

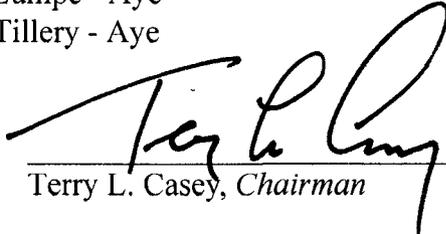
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 the four instant appeals are **DISMISSED** for lack of jurisdiction over their respective subject matters, pursuant to R.C. 124.01 *et seq.* and R.C. 3735.27 *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, March 13, 2014.


Clerk

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

3/14/14

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

Elkanard Smith, Jr.

Appellant

Case Nos. 2013-REM-12-0400
2013-SUS-12-0401
2013-WHB-12-0402
2013-MIS-12-0403

v.

January 23, 2014

Cuyahoga County Metropolitan Housing Authority

Appellee

James R. Sprague
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These matters came on for consideration upon Appellant's filing of four appeals with this Board. Information contained in the record indicates that Appellant is or recently was an employee of a metropolitan housing authority.

The State Personnel Board of Review does not have jurisdiction to hear direct appeals from employees of metropolitan housing authorities created pursuant to R.C. 3735.27 and whose employees are employed pursuant to R.C. 3735.28 *et seq.* The employees of a metropolitan housing authority organized pursuant to the provisions of R.C. 3735.27 *et seq.* are not within the provisions of the law relating to civil service, as defined in R.C. 124.01 *et seq.* (See, *e.g.* 1952 OAG No. 1122).

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the four instant appeals for lack of jurisdiction over their respective subject matter, pursuant to R.C. 124.01 *et seq.* and R.C. 3735.27 *et seq.*


James R. Sprague
Administrative Law Judge