

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Jeffrey Willis,

Appellant,

v.

Case No. 2013-SUS-07-0166

Montgomery County Public Defender's Office,

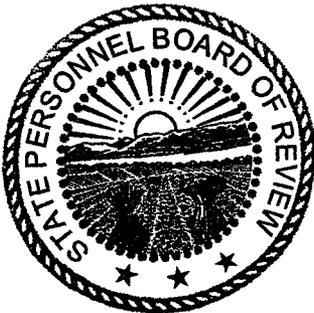
Appellee.

ORDER

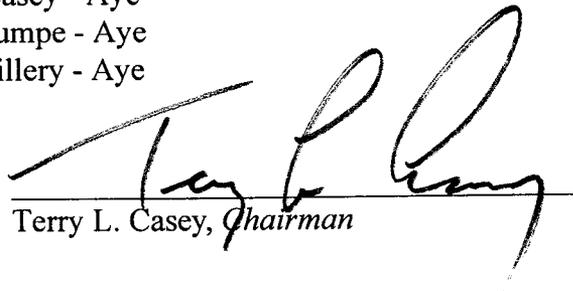
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 instant appeal be **DISMISSED** for lack of jurisdiction over its subject matter, pursuant to Ohio Revised Code Section 124.03 (A) (1) and 124.34 (B).



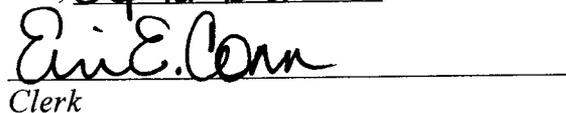
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, September 05, 2013.


Erin E. Conn
Clerk

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

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

Jeffrey Willis,

Case No. 2013-SUS-07-0166

Appellant

v.

August 1, 2013

Montgomery County Public Defender's Office

Appellee

James R. Sprague
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on due to Appellant's July 15, 2013 filing of an appeal. I find that Appellant has filed this appeal to protest his two-day suspension.

Unlike a court, the State Personnel Board of Review has jurisdiction only where it has been explicitly conferred by the Ohio General Assembly. R. C. 124.03 (A) (1) grants this Board authority to review suspensions. R.C. 124.34 (B) limits that authority to suspensions of greater than 24 work hours (for FLSA-overtime eligible employees) and to suspensions of greater than 40 work hours (for FLSA-overtime exempt employees).

I find that Appellant was suspended for two days. I further find that there is no evidence in the record to suggest that Appellant's work schedule consist of 24 straight hours on and 48 straight hours off, as might be expected, for example, from a firefighter/paramedic. Accordingly, the instant appeal should be dismissed for lack of jurisdiction.

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 (A) (1) and R.C. 124.34 (B).


James R. Sprague
Administrative Law Judge