

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

Leslie Hudson,

Appellant,

v.

Case No. 2013-SUS-08-0216

Butler County Board of Commissioners,

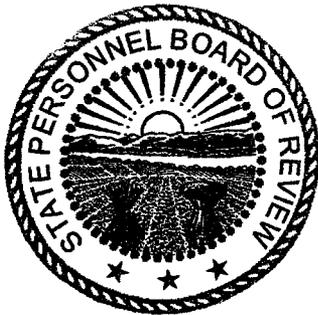
Appellee.

ORDER

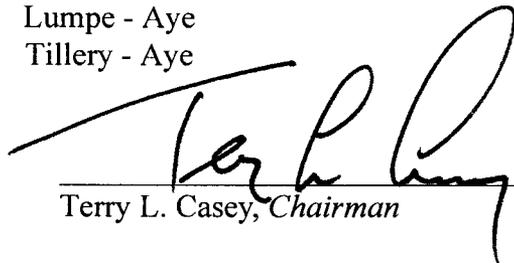
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 Appellee's Motion to Dismiss is **GRANTED** and the appeal is **DISMISSED** for lack of subject matter jurisdiction.



Casey - Aye
Lumpe - Aye
Tillery - Aye

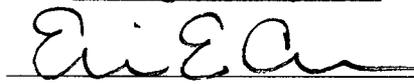


Terry L. Casey, *Chairman*

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**

Leslie Hudson,

Case No. 2013-SUS-08-0216

Appellant

v.

September 25, 2013

Butler County Board of Commissioners

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

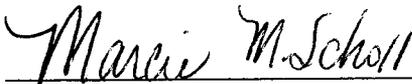
This matter came on for consideration on September 25, 2013. I find that Appellant has filed this appeal to protest her one day suspension. On September 13, 2013, Appellee filed a Motion to Dismiss based on this Board's lack of jurisdiction over an appeal of a one day (eight hour) suspension. To date, no response has been filed by Appellant Hudson.

Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. Ohio Revised Code Section 124.03 grants this Board authority to review suspensions of more than three days, removals, reductions, layoffs and abolishments.

Suspensions of three days or less are not appealable to the State Personnel Board of Review, pursuant to Ohio Revised Code Section 124.34. Only suspensions in excess of three days are appealable, see *Gillard v. Norris* (1988), 857 F.2d 1095; *Rapier v. Darke County Board of Mental Retardation and Developmental Disabilities* (Mar. 10, 1993), Franklin Co., No. 92-CV-09-7589, unreported.

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Therefore, I respectfully **RECOMMEND** that Appellee's Motion to Dismiss be **GRANTED** and that this appeal be **DISMISSED** for lack of subject matter jurisdiction.



Marcie M. Scholl
Administrative Law Judge

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