

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Cheryl B. Lee,

*Appellant,*

v.

Case No. 2013-WHB-06-0151

Cuyahoga Metro Housing Authority,

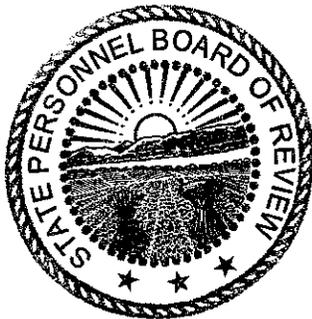
*Appellee,*

**ORDER**

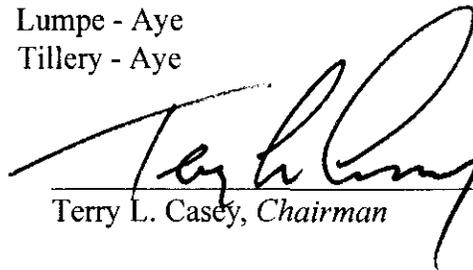
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 the subject matter, pursuant to R.C. 124.01 *et seq.* and R.C. 3735.27 *et seq.*



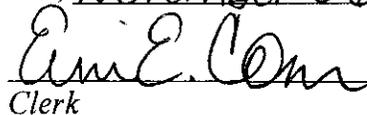
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, November 06, 2014.

  
Ami E. Com  
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**

Cheryl B. Lee

Case No. 2013-WHB-06-0151

*Appellant*

v.

October 2, 2014

Cuyahoga Metro Housing Authority

Christopher R. Young  
*Administrative Law Judge*

*Appellee*

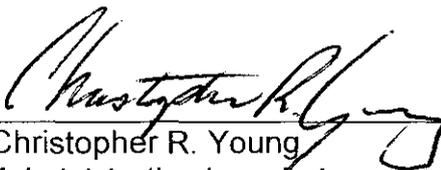
**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's filing of an alleged "whistleblower" appeal with this Board. Information contained in the record indicates that Appellant is an employee of a metropolitan housing authority, the Cuyahoga County Metropolitan Housing Authority. The appeal is currently set for a record hearing on November 19, 2014 at 10:00 a.m. However, it was recently brought to the attention of the undersigned Administrative Law Judge the case of SPBR Case No. 2013-WHB-12-0402 *Elkanard Smith, Jr. v. Cuyahoga County Metropolitan Housing Authority*. The holding in that case revealed that this Board does not have jurisdiction over "whistleblower" appeals from 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 instant appeal for lack of jurisdiction over the subject matter, pursuant to R.C. 124.01 *et seq.* and R.C. 3735.27 *et seq.*

  
Christopher R. Young  
*Administrative Law Judge*