

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

Rene Wandling,

*Appellant,*

v.

Case No. 2014-MIS-04-0083

Akron City School District Board of Education,

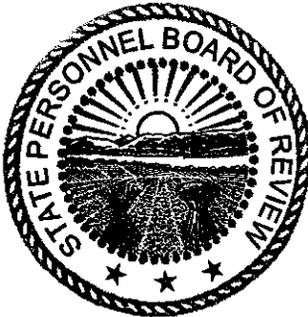
*Appellee,*

**ORDER**

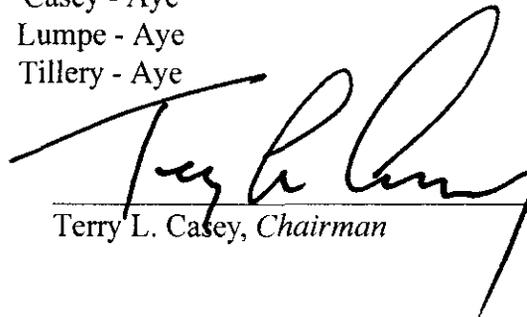
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 its subject matter, pursuant to R.C. 124.03 and R.C. 124.34.



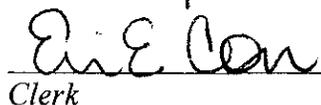
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
\_\_\_\_\_  
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 17, 2014.

  
\_\_\_\_\_  
*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**

Rene Wandling

Case No. 2014-MIS-04-0083

*Appellant*

v.

May 23, 2014

Akron City School District Board of Education

*Appellee*

James R. Sprague  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's April 15, 2014 filing of an appeal with this Board. Information contained in the record indicates that Appellant was employed as a Security Guard by the Akron City School District and that Appellant was removed (terminated) from that position effective on or about March 24, 2014.

R.C. 124.03(A) and R.C. 124.34 combine to set forth the jurisdiction of this Board over removals of classified employees. Neither R.C. 124.03(A) nor R.C. 124.34 provides this Board with jurisdiction to hear, on the merits, a removal appeal filed by a city school district employee. This Board's only appellate jurisdiction over such employees lies in R.C. 124.341(whistleblower) and R.C. 4167.13 (public employee risk reduction); yet, neither of these provisions has been cited by Appellant in the extant record.

Accordingly, the instant matter should be dismissed for lack of jurisdiction over its subject matter. *Appellant's remedy from her termination may lie in an appeal to the City of Akron Civil Service Commission or with the pertinent Court of competent 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 and R.C. 124.34.



James R. Sprague  
*Administrative Law Judge*