

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Reginald Allen, Jr.,

Appellant,

v.

Case Nos. 2014-RED-09-0257
2014-INV-09-0258
2014-MIS-09-0259

Mahoning County Juvenile Justice Center,

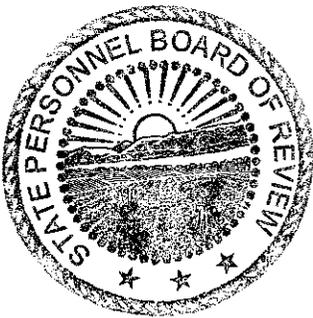
Appellee,

ORDER

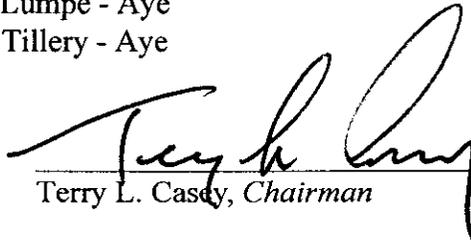
These matters came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 Appellee's motion is **GRANTED** and the cases are **DISMISSED**, pursuant to R.C. 2151.13 and O.A.C. 124-11-07(A)(2) and (C).



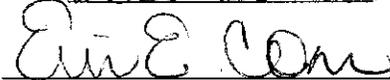
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, December 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**

Reginald Allen, Jr.

Appellant

v.

Mahoning County Juvenile Justice Center

Appellee

Case Nos. 2014-RED-09-0257
2014-INV-09-0258
2014-MIS-09-0259

November 18, 2014

James R. Sprague
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These causes come on due to Appellant's September 10, 2014 filing of appeals and a request for an investigation concerning a workplace injury and concerning Appellant's rate of pay upon returning to Appellee's work site.

On October 15, 2014, this Board issued its requisite investigation response request letter to Appellee. On October 27, 2014, Appellee filed Appellee's Motion to Dismiss and Hold Response to October 15, 2014 Investigation Request in Abeyance.

Appellee's motion is premised on the assertion that Appellant serves at the pleasure of the judge, pursuant to R.C. 2151.13, as do all employees of Appellee. Thus, Appellee argues, Appellant serves in the unclassified service.

Appellee further asserts, therein, that the basis of Appellant's complaint concerns a workplace injury. Appellee additionally asserts that such an injury is beyond the jurisdiction of this Board to address and that Appellant does have other avenues of potential remedy to address same.

Appellant was provided with the requisite time and with additional time to file a Memorandum *Contra* but, to date, has not done so.

O.A.C. 124-11-07 addresses the motions practice before this Board. O.A.C. 124-11-07 (A) (2) and (C) require that an opposing party must respond to a

Reginald Allen, Jr.

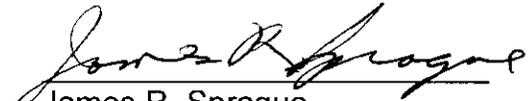
Case Nos. 2014-RED-09-0257, 2014-INV-09-0258, and 2014-MIS-09-0259

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dispositive motion such as a motion to dismiss within 10 days and must set forth facts showing there is a genuine issue in dispute.

Appellant has not filed a Memorandum *Contra*. Further, it appears that Appellee's motion has merit. Accordingly, the instant motion should be granted and these matters should be dismissed.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **GRANT** Appellee's motion and **DISMISS** Case Nos. 2014-RED-09-0257, 2014-INV-09-0258, and 2014-MIS-09-0259, pursuant to R.C. 2151.13 and O.A.C. 124-11-07 (A) (2) and (C).


James R. Sprague
Administrative Law Judge