

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

Charles Kuhn,

*Appellant,*

v.

Case No. 2014-REM-05-0102

Department of Rehabilitation & Correction,  
Ohio Reformatory For Women,

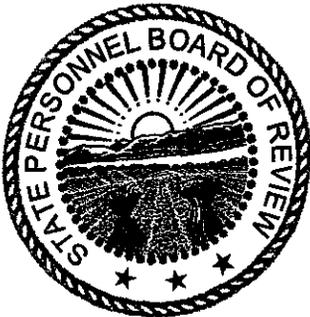
*Appellee,*

**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.

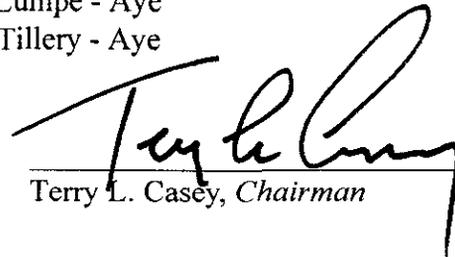
Wherefore, it is hereby **ORDERED** that this appeal is **DISMISSED** for lack of subject matter jurisdiction pursuant to R.C. 4117.10(A).



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 30, 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**

Charles Kuhn

Case No. 2014-REM-05-0102

*Appellant*

v.

July 7, 2014

Ohio Reformatory for Women,  
Dept. of Rehab. & Corr.

*Appellee*

Christopher R. Young  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

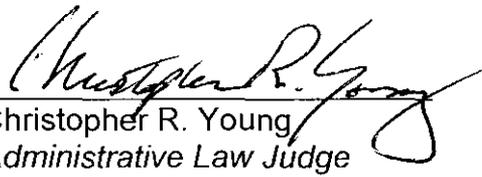
This matter came on for consideration upon Appellee's June 23, 2014, Response to the previously issued Procedural Order and Questionnaire. Appellee contends this Board lacks jurisdiction to consider the instant appeal because Appellant's position is covered by a collective bargaining agreement, and as such was probationary removed in accordance with article 6.01 of the collective bargaining agreement, in his initial probationary period. Appellant was given the appropriate amount of time to file his response to the previously issued procedural order and questionnaire, but as chose not to file a response.

Information contained in the record indicates that Appellant is classified as a Correction Officer, which is included in a bargaining unit represented by OCSEA/AFSCME Local 11. Appellee and OCSEA/AFSCME Local 11 have signed a collective bargaining agreement covering the Appellant's bargaining unit. That collective bargaining agreement provides a grievance procedure resulting in final and binding arbitration. Appellant appealed a probationary removal, which is a grievable action.

O.R.C. Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction to consider an appeal from an employee subject to such collective bargaining agreement. Accordingly, this Board lacks jurisdiction over the subject matter of this appeal.

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Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** this appeal for lack of subject matter jurisdiction pursuant to R.C. 4117.10(A).

  
Christopher R. Young  
Administrative Law Judge