

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Jodie Harrison,

Appellant,

v.

Case No. 2014-REM-09-0250

Department of Youth Services,

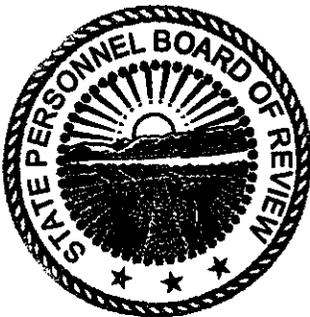
Appellee,

ORDER

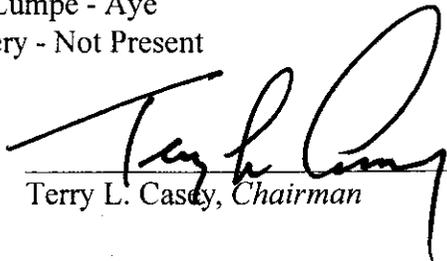
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 appeal is **DISMISSED** for lack of jurisdiction.



Casey - Aye
Lumpe - Aye
Tillery - Not Present


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, January 08, 2015.


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**

Jodie Harrison

Case No. 2014-REM-09-0250

Appellant

v.

December 10, 2014

Circleville Youth Center
Department of Youth Services

Marcie M. Scholl
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 appeal with this Board. Appellee filed a Motion to Dismiss on November 18, 2014, and to date, Appellant Harrison has not filed a *memorandum contra*. Information contained in the record indicates that Appellant was serving in a probationary employee at the time of the employment action appealed.

Attached to Appellee's Motion to Dismiss was an affidavit of Rochelle Jones, Human Capital Management Administrator 2. In her affidavit, Ms. Jones states Appellant Harrison was hired on September 2, 2014 as a Teacher 3 and was to serve a one-year probationary period. She was removed on September 16, 2014, 351 days before the expiration of her probationary period.

Pursuant to the provisions of Ohio Revised Code 124.27, there is no right to appeal from a removal or reduction which occurs during a probationary period. *Walton v. Montgomery County Welfare Department* (1982), 69 Ohio St.2d 58; *State ex rel. Rose v. Ohio Dept. of Rehabilitation and Correction* (2001), 91 Ohio St.3d 453.

Therefore, I respectfully **RECOMMEND** this appeal be **DISMISSED** for lack of jurisdiction.



Marcie M. Scholl
Administrative Law Judge