

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

Frank M. Rives,

Appellant,

v.

Case Nos. 2014-REM-02-0028
2014-WHB-02-0029

Cuyahoga County Department of Law,

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. *It is noted that Appellant may have an avenue of remedy from any final Order issued by the Cuyahoga County Personnel Review Commission through the filing of an appeal with the pertinent Court of Common Pleas.*

Wherefore, it is hereby **ORDERED** that the two instant appeals be **DISMISSED** for lack of jurisdiction over their respective subject matter, pursuant to the terms of the Charter of Cuyahoga County, Ohio.

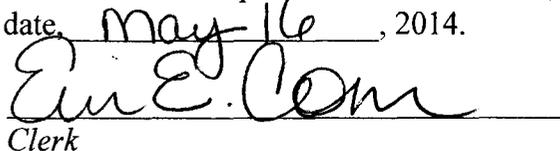
Casey - Aye
Lumpe - Aye
Tillery - Aye


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, May 16, 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**

Frank M. Rives

Appellant

v.

Cuyahoga County Department of Law

Appellee

Case Nos. 2014-REM-02-0028
2014-WHB-02-0029

April 7, 2014

James R. Sprague
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

These matters came on for consideration upon Appellant's filing of two appeals with this Board. Information contained in the records indicates that Appellant was or is an employee of Cuyahoga County and has recently had an appeal heard by the Cuyahoga County Personnel Review Commission (PRC). Thus, we may reasonably presume that Appellant's civil service appeals (which in the past may have come under this Board's jurisdiction regarding R.C. Chapter 124. actions) are now to be heard by the PRC.

This is because Cuyahoga County became a Charter form of government with the passage of their Charter. Further, Article IX, Section 9.02 (1) tasks what is now the PRC with responsibility to adjudicate appeals that previously would have been under the authority of this Board.

As previously stated by this Board, Appellant's underlying complaint regarding the action Cuyahoga County may have taken against him falls within the purview of the PRC. Accordingly, this Board has no more authority over that matter at this time than it did when it dismissed Appellant's appeals on June 28, 2011 for this same reason. (Please see SPBR Case Nos. 2011-REM-01-0018 and 2011-WHB-01-0019).

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the two instant appeals for lack of jurisdiction over their respective subject matter, pursuant to the terms of the Charter of Cuyahoga County, Ohio.

Frank M. Rives
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James R. Sprague
Administrative Law Judge