

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

Mark Allen,

*Appellant,*

v.

Case No. 2015-SUS-02-0015

Environmental Protection Agency,

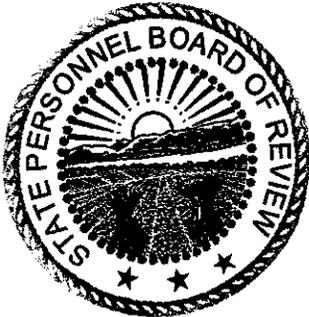
*Appellee,*

**ORDER**

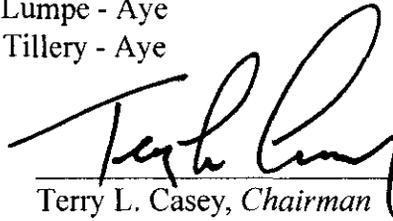
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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



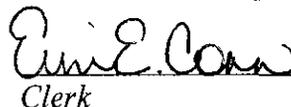
Casey - Aye  
Lumpe - Aye  
Tillery - Aye

  
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, March 25, 2015.

  
Anne E. Conroy  
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**

Mark Allen

Case No. 2015-SUS-02-0015

*Appellant*

v.

February 20, 2015

Environmental Protection Agency

James R. Sprague

*Appellee*

*Administrative Law Judge*

**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. I find that Appellant has filed this appeal to protest his one-day suspension from his position of Environmental Supervisor.

Unlike a court, the State Personnel Board of Review has jurisdiction only where it has been explicitly conferred by the Ohio General Assembly. R.C. 124.03 and R.C. 124.34 combine to grant this Board authority to review suspensions of greater than 24 hours for FLSA-overtime eligible employees and to review suspensions of greater than 40 hours for FLSA-overtime exempt employees. Since this Board has no authority to review the instant one-day suspension, this matter should be dismissed.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of subject matter jurisdiction, pursuant to R.C. 124.03 and R.C. 124.34.



James R. Sprague

*Administrative Law Judge*