

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ELDRIDGE D. SMITH,

Appellant,

v.

Case No. 05-INV-01-0075

CONNEAUT CIVIL SERVICE COMMISSION,

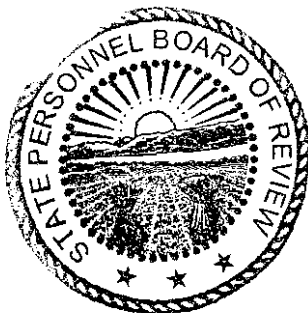
Appellee.

ORDER

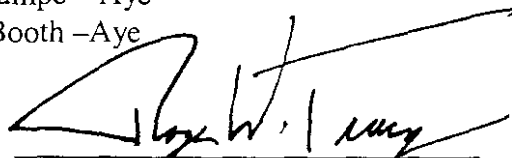
This matter came on for consideration on Appellant's filing of an investigation request. That request concerned whether Appellee, Conneaut Civil Service Commission, had jurisdiction over, and therefore should have accepted, Appellant's appeal to that Commission; following the severing of Appellant's employment as a part-time jailer with the City of Conneaut. On September 20, 2005, this Board issued a Procedural Order (*via* USPS certified mail) instructing the parties respectively to supplement the instant record. In their supplementation, the parties were to address whether Appellant abandoned his position with the City of Conneaut and, thus, failed to provide the Conneaut Civil Service Commission with any merit authority it perhaps otherwise possessed concerning Appellant's appeal to the Commission. Thereafter, Appellee timely filed its supplementation of the record. However, Appellant's USPS certified copy of the above-referenced Procedural Order was returned to this Board as unclaimed.

The totality of the instant record, including Appellee's timely filed supplementation of same, indicates that Appellant voluntarily abandoned his position with the City of Conneaut. The record further indicates that Appellant's voluntary abandonment yielded *no* merit jurisdiction to the City of Conneaut Civil Service Commission to consider Appellant's appeal to the Commission following that voluntary abandonment; although the Civil Service Commission would have jurisdiction over a timely filed appeal of a classified Conneaut employee who had actually been removed and whose appeal did not fall under a pertinent collective bargaining agreement.

Wherefore, it is hereby **ORDERED** that the instant investigation request be **DISMISSED** since Appellee, Conneaut Civil Service Commission, lacked merit jurisdiction over the appeal to the Commission that Appellant filed subsequent to his voluntary abandonment of a part-time jailer position with the City of Conneaut, pursuant to R.C. 124.40 and the Charter of the City of Conneaut.



Tracy – Aye
Lumpe – Aye
Booth – Aye


Roger W. Tracy, *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 the foregoing is (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, October 28, 2005.

Diara Mills
Clerk

