

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

PAMELA WETTERHAHN,

*Appellant*

v.

Case No. 05-MIS-02-0057

DEPARTMENT OF JOB AND FAMILY SERVICES,

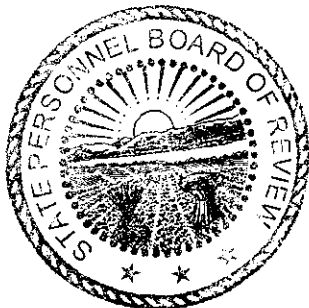
*Appellee*

**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 record and 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 be **DISMISSED** for lack of subject matter jurisdiction, pursuant to R.C. 124.03.



Tracy – Aye  
Lumpe – Aye  
Booth – Aye

  
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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, July 25, 2005.

  
\_\_\_\_\_  
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**

Pamela Wetterhahn,

Case No. 05-MIS-02-0057

*Appellant*

v.

May 24, 2005

Ohio Department of Job and Family Services,

Elaine K. Stevenson  
*Hearing Officer*

*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 of the results of her annual performance evaluation.

Unlike a court of general jurisdiction, the State Personnel Board of Review has authority only where it has been explicitly conferred upon it by the Ohio General Assembly. This Board's primary jurisdiction is derived from R.C. 124.03, which provides that it shall hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities relative to suspension, reduction in pay or position, removal, job abolishment, layoff, job reclassification, and involuntary disability separation.

In the instant case, the record indicates that Appellant is appealing the results of her annual performance evaluation. Although the Ohio Department of Job and Family Services' Internal Policies and Procedural Manual apparently indicates that an employee may appeal the results of his or her annual performance evaluation to the State Personnel Board of Review, this information is incorrect as such an action is not appealable to this Board, pursuant to R.C. 124.03. Accordingly, I find that this Board lacks jurisdiction to consider Appellant's appeal. It is suggested that Appellant contact the Ohio Department of Administrative Services to determine if that agency has the authority to review the results of Appellant's annual evaluation.

Therefore, I respectfully **RECOMMEND** that the instant appeal **DISMISSED** for lack of subject matter jurisdiction, pursuant to R.C. 124.03.

  
Elaine K. Stevenson  
*Hearing Officer*

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