

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Timothy E. Koppert,

*Appellant,*

v.

Case No. 05-MIS-03-0085

Department of Natural Resources,

*Appellee.*

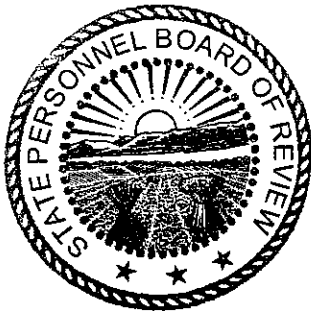
**ORDER**

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 jurisdiction over its subject matter, pursuant to O.R.C. § 124.03.

Lumpe - Aye  
Booth - Aye  
Sfalcin - Aye

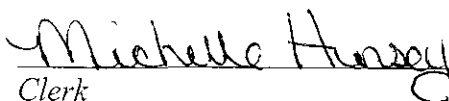


  
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J. Richard Lumpe, *Chairman*

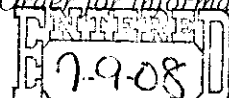
**CERTIFICATION**

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 constitute ~~(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 9, 2008.

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

TIMOTHY E. KOPPERT,

Case No. 05-MIS-03-0085

*Appellant*

v.

May 19, 2008

DEPARTMENT OF NATURAL RESOURCES,

JAMES R. SPRAGUE

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on due to the April 24, 2008 occurrence of a pre-hearing in this matter. Present at pre-hearing was Appellant, who was represented at that proceeding by Richard D. Colby, Attorney at Law. Appellee, Department of Natural resources (DNR), was present through its designee, Steve Bates, DNR Personnel Section Administrator, and was represented by Joseph N. Rosenthal, Assistant Attorney General.

At pre-hearing, Appellee continued to assert that this Board lacked jurisdiction over the subject matter of this appeal. However, Appellee agreed that it would wait at least one week subsequent to the date of pre-hearing to file any dispositive motion in this matter.

On May 2, 2008, Appellant filed a "Notice of Abeyance" and on May 14, 2008, Appellant filed a "Notice of Medical Release Authorization". To date, Appellee has not filed a dispositive pleading in this matter.

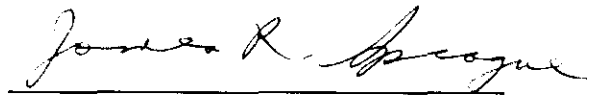
Appellant appears to be requesting that this Board facilitate his obtaining of prior medical documentation including but not limited to documentation that may or may not be held by his former counsel, Emily J. Lewis, Attorney at Law. Further, Appellant appears to be seeking enforcement of one or greater orders or agreements that were neither issued by nor approved by this Board. Finally, Appellant appears to be seeking this Board's assistance in furthering his application for a disability retirement benefit from PERS.

TIMOTHY E. KOPPERT  
Case No. 05-MIS-03-0085  
Page 2

This Board has attempted, as appropriate, to bring the parties together to facilitate a reconciliation of the disparate elements in this matter. Unfortunately, in spite of this Board's best efforts and in spite of the continuing attention and good faith efforts of the parties, that process has not culminated in a successful resolution of this matter.

As it stands, this Board has expended as much effort as can be expected, given this Board's statutory jurisdiction. To expend further efforts in this regard at this juncture would be, at a minimum, potentially imprudent, particularly since Appellant has not demonstrated that this Board possesses jurisdiction to proceed further with this matter.

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

  
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JAMES R. SPRAGUE  
*Administrative Law Judge*

JRS: