

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

CHARLES JENKINS,

Appellant

v.

Case No. 05-REM-03-0077

CUYAHOGA METROPOLITAN HOUSING AUTHORITY,

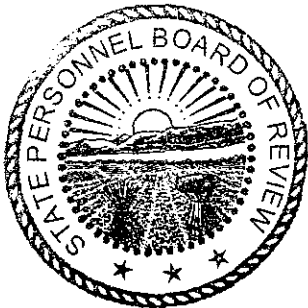
Appellee

ORDER

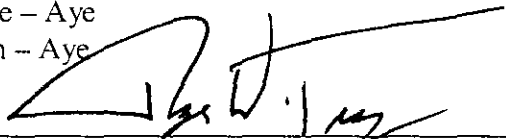
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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, pursuant to R.C. 124.01(B) and R.C. 124.03(A).



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, August 2, 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**

Charles Jenkins,

Case No. 05-REM-03-0077

Appellant

v.

June 28, 2005

Cuyahoga Metropolitan Housing Authority,

Elaine K. Stevenson

Appellee

Hearing Officer

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 his removal as Property Manager with Appellee Cuyahoga Metropolitan Housing Authority.

Revised Code Section 124.03(A) provides that this Board shall hear appeals of employees in the classified state service. Revised Code Section 124.01(B) defines "state service" as all such offices and positions in the service of the state, counties, and general health districts.

Because employees of metropolitan housing authorities organized pursuant to Revised Code Section 3735.27 *et seq.* are not governed by a state, county, or general health district appointing authority, they are not covered by the provisions of civil service law as defined in Revised Code Section 124.01(B). (See, SPBR Case No. 96-REM-04-0150; 1952 OAG No. 1122) Accordingly, the State Personnel Board of Review lacks jurisdiction to consider Appellant's appeal of his removal.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of jurisdiction, pursuant to Revised Code Sections 124.01(B) and 124.03(A).



Elaine K. Stevenson

Hearing Officer

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