

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

THOMAS L. IMLER JR.,

Appellant

v.

Case No. 05-REM-03-0094

OHIO STATE UNIVERSITY,

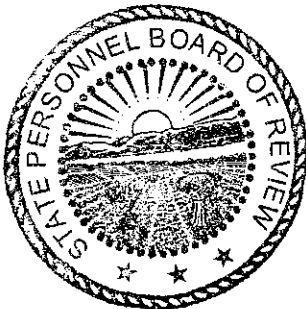
Appellee

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 due to the fact that Appellant held an unclassified position at the time of his removal, pursuant to R.C. 124.11 (A)(30), R.C. 124.14(F), R.C. 3335.09, and R.C. 3345.31.



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, December 8, 2005.



Diana Mills
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**

Thomas L. Imler, Jr.,

Case No. 05-REM-03-0094

Appellant

v.

September 6, 2005

Ohio State University,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on Appellant's filing of an appeal of his removal from employment with Appellee. No R.C. 124.34 Order of Removal was filed with this Board. To further develop the record, a procedural order was issued on June 24, 2005, and a second procedural order was issued on July 22, 2005. On August 19, 2005, Appellee submitted documentation indicating that Appellant's position was an unclassified administrative staff position, pursuant to R.C. 124.11(A)(30). To date, Appellant has not filed a response.

R.C. 124.03(A) provides that this Board shall hear appeals, as provided by law, of employees in the *classified state service*.

R.C. 124.11(A)(30) provides that employees appointed to administrative staff positions for which an appointing authority is given specific statutory authority to set compensation are in the *unclassified service*.


Based upon the information contained in the record, I make the following findings of fact:

1. Appellee has the authority to set compensation for its president and such number of professors, teachers, and other employees as are necessary, pursuant to R.C. 3335.09 and R.C. 3345.31.
2. At the time of Appellant's removal, his position was classified as Patient Care Associate.

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3. The Patient Care Associate classification was established as an unclassified administrative staff position, pursuant to R.C. 124.11(A)(30), R.C. 124.14(F), R.C. 3335.09, and R.C. 3345.31.

Therefore, because Appellee has established that Appellant held an unclassified position at the time of his removal, I respectfully **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction, pursuant to R.C. 124.11(A)(30), R.C. 124.14(F), R.C. 3335.09, and R.C. 3345.31.


Elaine K. Stevenson
Hearing Officer

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