

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

DONALD VIOLET,

Appellant

v.

Case No. 05-SUS-01-0025

DEPARTMENT OF TRANSPORTATION,

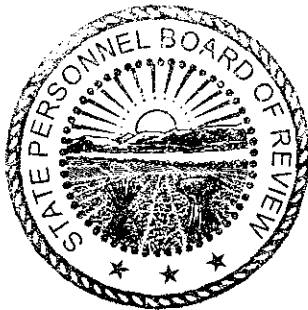
Appellee

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. 5501.20 and R.C. 124.34.



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, July 25, 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**

DONALD VIOLET,

Case No. 05-SUS-01-0025

Appellant

v.

May 11, 2005

DEPARTMENT OF TRANSPORTATION,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on due to this Board's recent issuance of a final Order in *Donald Violet v. Department of Transportation* (SPBR Case No. 04-SUS-09-0406), wherein this Board found that the instant Appellant, Donald Violet, was an employee in Appellee, Ohio Department of Transportation's ODOT), professional service, pursuant to R.C. 5501.20 and the accompanying Ohio Administrative Code section that amplifies that Revised Code provision. Accordingly, this Board found that the suspension action taken against Appellant in that case fell outside of this Board's jurisdiction pursuant to R.C. 5501.20 and R.C. 124.34. There is nothing in the instant record to indicate that Appellant's status as an employee in ODOT's professional service has changed since this Board's recent issuance of the above-referenced final Order. Accordingly, this Board lacks jurisdiction over the instant matter and it should be dismissed as well.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of subject matter jurisdiction, consistent with this Board's final Order in SPBR Case No. 04-SUS-09-0406, pursuant to R.C. 5501.20 and R.C. 124.34.



JAMES R. SPRAGUE

Administrative Law Judge

JRS: