

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

SCOTT A. LIZZI,

Appellant,

v.

Case No. 05-TFR-01-0002

BOWLING GREEN STATE UNIVERSITY,

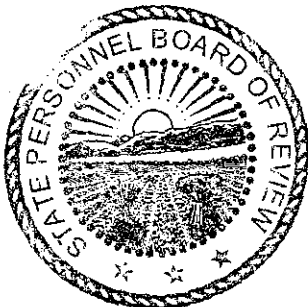
Appellee.

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 the lack of a justiciable issue, pursuant to O.A.C. 124-1-02 (FF).



Tracy – Aye
Lumpe – Aye
Booth – Aye



Roger W. Tracy, *Chairman*

CERTIFICATION

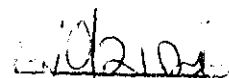
The State of Ohio, State Personnel Board of Review, ss:

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, October 21, 2005.



Dianna 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**

Scott A. Lizzi

Case No. 05-TFR-01-0002

Appellant

v.

August 22, 2005

Bowling Green State University

Marcie M. Scholl

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for consideration on August 22, 2005. Appellant Lizzi filed a notice of appeal with this Board on January 4, 2005 and checked the box marked "transfer". On May 20, 2005, this Board issued a Procedural Order and Questionnaire to Appellant and on June 3, 2005, Appellant Lizzi filed his response.


In his response, Appellant Lizzi indicated that neither his classification, job location nor appointing authority has changed. This Board has defined the term "transfer" in administrative rule 124-1-02(FF) of the Ohio Administrative Code. That term is defined as follows:

(FF) "Transfer" means the movement of an employee between different offices or positions as set forth in sections 124.32 and 124.33 of the Revised Code. A change in job location within the same classification, the same appointing authority and the same county is not appealable.

Since Appellant Lizzi did not have a change in his job location, did not have a change in his classification and did not have a different appointing authority, he has not been transferred according to this Board's rule regarding the same. In looking at Appellant Lizzi's response to this Board's questionnaire, nothing seemed to change with regard to his status. Therefore, there does not appear to be any justiciable issue present.

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Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** due to the fact that this Board is without subject matter jurisdiction since there is no justiciable issue present.



Marcie M. Scholl
Administrative Law Judge

:mms