

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

EDWARD O'NEAL,

*Appellant*

v.

Case No. 05-TFR-01-0009

STARK COUNTY MULTI-COUNTY JUVENILE ATTENTION SYSTEM,

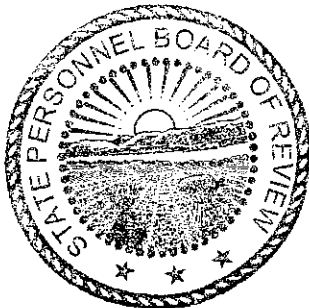
*Appellee*

**ORDER**

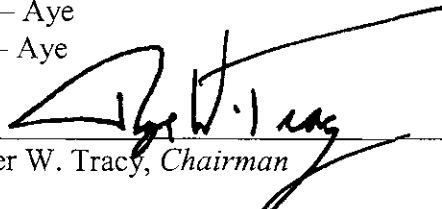
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 this 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 O.A.C. 123:1-25-01(H).



Tracy – Aye  
Lumpe – Aye  
Booth – Aye

  
\_\_\_\_\_  
Roger W. Tracy, *Chairman*

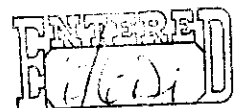
**CERTIFICATION**

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, June 6, 2006.

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

Edward O'Neal,

Case No. 05-TFR-01-0009

*Appellant*

v.

March 14, 2006

Stark County Multi-County Juvenile  
Attention System,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on pursuant to Appellee's Motion to Dismiss, filed with this Board on March 2, 2006. Appellee asserts that Appellant was reassigned to a job within the same classification and appointing authority, which took place in and involves a move to a different job location in the same county, and that Appellant has no right of appeal from said job reassignment, pursuant to O.A.C. 123:1-25-07(H). Appellant filed no memorandum *contra*.

The undisputed information contained in the record indicates that Appellant was reassigned from a position classified as Youth Leader 2, assigned to the Canton Boys Group Home, to a position classified as Youth Leader 2, assigned to the Multi-County Juvenile Attention System Community Corrections Facility. Both facilities are located in Stark County and are administered by the same appointing authority, the Stark County Multi-County Juvenile Attention System.

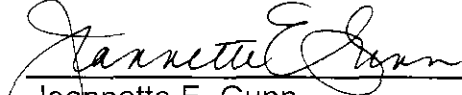
**CONCLUSIONS OF LAW**

Unlike a court of general jurisdiction, this Board has authority only where it has been explicitly conferred upon it by the Ohio General Assembly. Although O.A.C. 123:1-25-01(M) states that a transferred employee may appeal his or her transfer to the State Personnel Board of Review, O.A.C. 123:1-25-01(H) provides that a job reassignment within the same classification, the same appointing authority and the same county does not constitute a "transfer." No other section of the Ohio Revised Code or the Ohio Administrative Code grants this Board the authority to consider

Edward O'Neal  
Case No. 05-TFR-01-0009  
Page 2

Appellant's reassignment to the position of Youth Leader 2 at the Multi-County Juvenile Attention System Community Corrections Facility.

Therefore, I respectfully **RECOMMEND** that Appellee's Motion be **GRANTED** and the instant appeal be **DISMISSED** for lack of jurisdiction over its subject matter.

  
\_\_\_\_\_  
Jeannette E. Gunn  
Administrative Law Judge

JEG: