

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

JOEL E. GILLAM,

*Appellant,*

v.

Case No. 06-INV-01-0019

DEPARTMENT OF REHABILITATION AND CORRECTION,  
MANSFIELD CORRECTIONAL INSTITUTION,

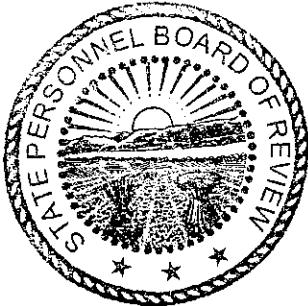
*Appellee.*

**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 this appeal be **DISMISSED** due to lack of subject matter jurisdiction, pursuant to O.R.C. § 124.56.



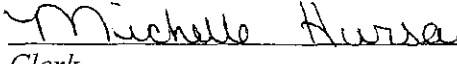
Tracy – Aye  
Lumpe – Aye  
Booth – Aye

  
\_\_\_\_\_  
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 28, 2006.

  
\_\_\_\_\_  
Michelle Hursay  
*Clerk*



**STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW**

Joel E. Gillam,

Case No. 06-INV-01-0019

*Appellant*

v.

March 29, 2006

Department of Rehabilitation and Correction,  
Mansfield Correctional Institution,

Elaine K. Stevenson  
*Hearing Officer*

*Appellee*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on March 29, 2006. Upon review of the information contained in the record, I find that Appellant has filed this appeal to protest his denial of a promotion.

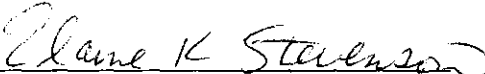
Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. Section 124.56 of the Ohio Revised Code grants this Board authority to conduct an investigation only when the Board has reason to believe that:

. . . any officer, board, commission, head of a department, or person having the power of appointment, layoff, suspension or removal, has abused such power by making an appointment, layoff, reduction, suspension, or removal of an employee under his or their jurisdiction in violation of this chapter [124.] of the Revised Code . . .

Case law has determined that O.R.C. 124.56 does not confer jurisdiction on this Board to conduct an investigation relative to the denial of a promotion. (See, *Singh v. State* (1982), 7 Ohio App.3d 269 and *Ketron v. Ohio Dept. of Transportation* (1991), 61 Ohio App.3d 657.)

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Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. 124.56.

  
Elaine K. Stevenson  
Hearing Officer

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