

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

Anthony J. Nixon,

Appellant,

v.

Case No. 07-INV-01-0045

Department of Rehabilitation and Correction,
Parole and Community Services,

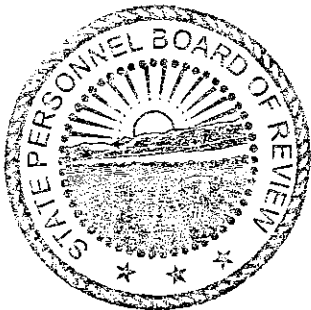
Appellee.

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 investigation be **DISMISSED** since Appellant failed to provide this Board with information which would be sufficient to invoke the Board's investigatory jurisdiction pursuant to O.R.C. § 124.56.



Lumpe – Aye
Booth – Aye
Tracy – Aye

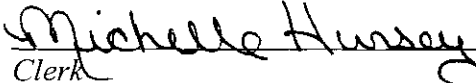


J. Richard Lumpe, *Chairman*

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, August 28, 2007.



Clerk

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

Anthony J. Nixon,

Case No. 07-INV-01-0045

Appellant

v.

July 24, 2007

Department of Rehabilitation & Correction,
Parole & Community Services,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause comes on for consideration pursuant to a review of the information contained in the case file. Appellant filed a request for investigation with this Board on January 26, 2007. On May 29, 2007, this Board sent Appellant correspondence requesting that he provide the Board with additional information, alleging with specificity which requirements of the civil service law he believed had been violated by Appellee. Appellant was notified that he was required to submit such additional information no later than June 13, 2007. To date, this Board has received no response from Appellant.

CONCLUSIONS OF LAW


Unlike a court of general jurisdiction, the State Personnel Board of Review has authority only where it has been explicitly conferred by the Ohio General Assembly. This Board's investigatory jurisdiction is derived from R.C. 124.56, which provides that this Board shall conduct an investigation when it 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 [Chapter 124.1 of the Revised Code

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In order to invoke this Board's authority, Appellant must allege that Appellee has made an appointment, layoff, reduction, suspension, or removal in violation of R.C. Chapter 124. Where a request for investigation alleges none of the above-referenced triggering devices, the State Personnel Board of Review is without jurisdiction to proceed with an investigation. *State, ex rel. Carver w. Hull* (1994), 70 Ohio St.3d 570; *Okpal v. University of Toledo* (1982), PBR 82-INV-1 O-301 9; *Reed v. Montgomery County Board of Mental Retardation* (1982), PBR 82-INV-09-2801; *Logsdon v. University of Cincinnati* (1982), PBR 82-INV-08-2690.

Therefore, because Appellant has provided this Board with no information which would be sufficient to invoke the Board's investigatory jurisdiction pursuant to R.C. 124.56 or any other section of the Ohio Revised Code, I respectfully **RECOMMEND** that the instant investigation be **DISMISSED**.


Jeannette E. Gunn
Administrative Law Judge

JEG: