

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Eavon L. Mobley,

Appellant,

v.

Case No. 07-INV-02-0051

Ohio State University Press,

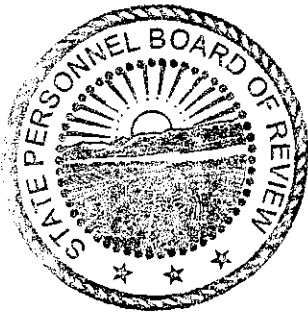
Appellee.

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 request for an investigation be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. § 124.56.



Lumpe - Aye
Booth - Aye
Tracy - Aye

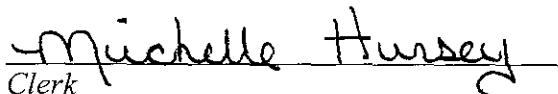


J. Richard Lumpe, *Chairman*

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 1, 2007.



Clerk

8-1-07

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

Eavon L. Mobley,

Case No. 07-INV-02-0051

Appellant

v.

May 16, 2007

Ohio State University Press,

Elaine K. Stevenson

Appellee

Hearing Officer

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's February 6, 2007 filing of an appeal, requesting that this Board review her removal from employment and conduct an investigation of the accounting practices utilized by two employees of Appellee, Ohio State University Press. Appellant's appeal of her removal has been assigned SPBR Case No. 07-REM-02-0050. All relevant issues regarding Appellant's removal will be addressed in that case.

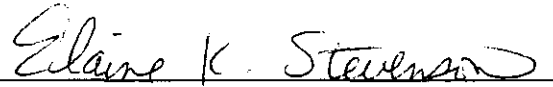
Unlike a court of general jurisdiction, the State Personnel Board of Review has authority only where it has been explicitly conferred upon it by the Ohio General Assembly. This Board's investigatory jurisdiction is found in section 124.56 of the Ohio Revised Code, which states that this Board shall conduct 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.] of the Revised Code. . . .

Accordingly, in order to invoke this Board's investigatory authority, a request for an investigation must allege that an appointing authority has made an appointment, layoff, reduction, suspension, or removal in violation of Chapter 124. of the Revised Code. 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 v. Hull* (1994), 70 Ohio St.3d 570.

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Appellant's notice of appeal states that the purpose of her request for an investigation is to have this Board conduct an audit of the accounting practices utilized by two employees of Ohio State University Press. Appellant's request for an investigation does not contain allegations regarding an appointment, layoff, reduction, suspension, or removal. Therefore, I respectfully **RECOMMEND** that this request for an investigation be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. § 124.56.


Elaine K. Stevenson
Hearing Officer

EKS:/