

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

ANNIE B. HOLLOWAY,

Appellant,

Case Nos. 07-SUS-02-0057
07-MIS-02-0058

v.

DEPARTMENT OF REHABILITATION AND CORRECTION,
OHIO REFORMATORY FOR WOMEN,

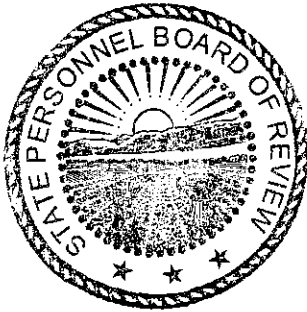
Appellee.

ORDER

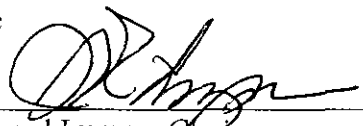
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeals.

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 appeals be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. §§ 124.03(A) and 124.34(B).



Lumpe – Aye
Booth – Aye
Tracy – Aye

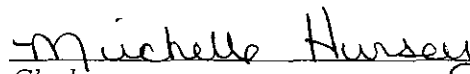


J. Richard Lumpe, *Chairman*

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, June 1, 2007.



Michelle Hursey
Clerk

NOTE: Please see the reverse side of this Order **or** the attachment to this Order for information regarding your appeal rights.

6-1-07 

NOTICE

Where applicable, this Order may be appealed under the provision of Chapter 124. and 119. Ohio Revised Code. A written Notice of Appeal setting forth the Order appealed from and the grounds of appeal must be filed with this Board and the appropriate court within fifteen (15) days after the mailing of this Notice. At the time of filing the Notice of Appeal with this Board, the party appealing must provide a security deposit to the Board. In accordance with administrative rule 124-15-08 of the Ohio Administrative Code, the amount of deposit is based on the number of magnetic tapes used to record your hearing, and the costs incurred by the Board in certifying your case to court. The number of tapes, costs incurred, and the corresponding amount of deposit required, as well as the final date that the Notice of Appeal and Deposit will be accepted by this Board, are listed at the bottom of this Notice. If a full or partial transcript of the hearing tapes has been prepared prior to the filing of an appeal, the cost of a copy of that certified transcript will be accepted by this Board; transcript costs will be listed at the bottom of this Notice

IF YOU ELECT TO APPEAL THIS BOARD'S FINAL ORDER, THEN YOU MUST PROVIDE THE DEPOSIT LISTED BELOW AT THE TIME YOU FILE YOUR NOTICE OF APPEAL WITH THIS BOARD. Please note that the law provides that you have fifteen (15) calendar days from the mailing of the final Board Order to file your Notice of Appeal with this Board and with the Court of Common Pleas. The fifteenth day is the date that appears at the bottom of this Notice.

METHOD OF PAYMENT: For all entities other than State agencies, payment of the deposit must be by money order, certified check, or cashier's check. State agencies are required to use the Intra-State Transfer Voucher (ISTV) system (OBM Form 7205), which must be processed prior to the filing of an appeal. To initiate an ISTV, State agencies may call the State Personnel Board of Review's Fiscal Office at 614/466-7046.

IF YOU MAINTAIN YOU CANNOT AFFORD TO PAY THE DEPOSIT LISTED BELOW, THEN YOU MUST COMPLETE THE BOARD'S "AFFIDAVIT OF INDIGENCE" FORM. YOU CAN OBTAIN THAT FORM BY CALLING (614)466-7046. THE COMPLETED AFFIDAVIT MUST BE RECEIVED BY THIS BOARD ON OR BEFORE June 8, 2007. The Board will then determine if you are indigent and, therefore, relieved of responsibility of paying the deposit at this time. You will be notified in writing of the Board's determination. Please note that if the Board determines you are NOT indigent, then YOU MUST FILE YOUR NOTICE OF APPEAL AND PAY THE DEPOSIT BY THE DATE LISTED BELOW.

If you have any questions regarding this notice, please contact the Board at 614/466-7046.

Case Number 07-SUS-02-0057 & 07-MIS-02-0058

Transcript Costs NA Administrative Costs \$25.00

Total Deposit Required* \$25.00

Notice of Appeal and Deposit Must Be Received by SPBR On or Before June 18, 2007

*If the deposit paid exceeds the actual costs of certifying the case to court, the excess will be refunded to the appellant.

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

Annie B. Holloway,

Appellant

v.

Department of Rehabilitation and Correction,
Ohio Reformatory for Women,

Appellee

Case Nos.: 07-SUS-02-0057
07-MIS-02-0058

May 4, 2007

Elaine K. Stevenson
Hearing Officer


REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's filing of an appeal, requesting that this Board consider her two-day suspension and her allegations that this discipline has no basis except "harassment and malicious intent." On April 20, 2007, Appellee filed a Motion to Dismiss for Lack of Jurisdiction in Case No. 07-SUS-02-0057. To date, Appellant has not filed a response.

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. O.R.C. 124.03(A) grants this Board authority to hear appeals of employees in the classified service from final decisions of appointing authorities or the director of administrative services relative to specific actions, including reduction in pay or position, job abolishment layoff, suspension, and discharge. Pursuant to O.R.C. 124.34(B), suspensions of three days or less are not appealable to the State Personnel Board of Review.

Therefore, because this Board does not have the statutory authority to consider a two-day suspension or to consider allegations of general harassment, I respectfully **RECOMMEND** that the instant appeals be **DISMISSED** for lack of jurisdiction, pursuant to sections 124.03(A) and 124.34(B) of the Ohio Revised Code.


Elaine K. Stevenson
Hearing Officer

EKS:/