

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

RICHARD M. THEODORE,

*Appellant,*

v.

Case No. 07-MIS-03-0088

DEPARTMENT OF REHABILITATION AND CORRECTION,  
OAKWOOD CORRECTIONAL FACILITY,

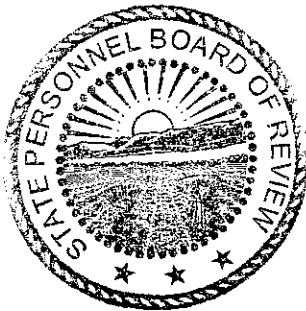
*Appellee.*

**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 appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.R.C. § 124.03.



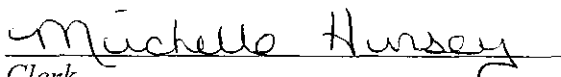
Lumpe – Aye  
Booth – Aye  
Tracy – Aye

  
\_\_\_\_\_  
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 25, 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.

6/25/07



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

Richard M. Theodore,

Case No. 07-MIS-03-0088

*Appellant*

v.

May 21, 2007

Dept Of Rehab. & Corr.,  
Oakwood Correctional Facility,

*Appellee*

Christopher R. Young  
*Administrative Law Judge*

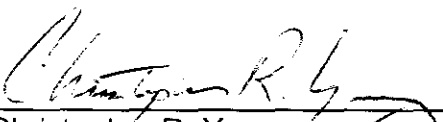
**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on May 21, 2007, upon Appellant's filing of this miscellaneous appeal to apparently protest and/or request this board investigate the Appellee with respect to not being placed in a higher pay range that he is currently occupying.

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. Ohio Revised Code Section 124.03 grants this Board authority to review suspensions of more than three days, removals, reductions, layoffs and abolishments. After a plain and simple reading of this Board's enabling statute, someone who is allegedly upset at not being in a different pay range is not something this Board can review.

Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter jurisdiction.

  
Christopher R. Young  
*Administrative Law Judge*

CRY: