

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Thomas M. Darkes,

*Appellant,*

v.

Case No. 07-RED-02-0068

Ohio State University,

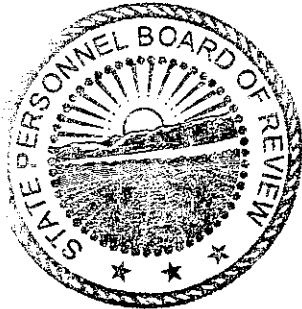
*Appellee.*

**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** since Appellant has failed to demonstrate a reduction in pay, pursuant to O.R.C. § 124.34.



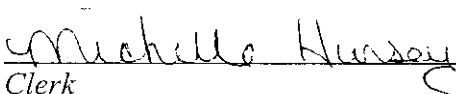
Lumpe - Aye  
Booth - Aye  
Sfalcin - Aye

  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

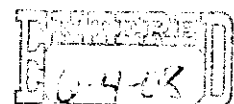
**CERTIFICATION**

The State of Ohio, State Personnel Board of Review, ss:

I, the undersigned clerk of the State Personnel Board of Review, hereby certify that this document and any attachment thereto constitute ~~(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 4, 2008.

  
\_\_\_\_\_  
Michelle Hursey  
*Clerk*

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



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

Thomas M. Darkes,

Case No. 07-RED-02-0068

*Appellant*

v.

April 30, 2008

Ohio State University,

Jeannette E. Gunn

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

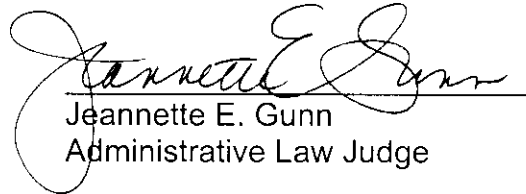
This matter came on for consideration on Appellee's Motion to Dismiss, filed with this Board on April 14, 2008. Appellee asserts that this Board lacks jurisdiction to consider the instant appeal. Appellant filed no memorandum *contra*.

Appellant filed an appeal with this Board on February 22, 2007, protest his alleged reduction in pay. Appellant argues that he has been reduced as a result of his exclusion from participation in Appellee's incentive program for non-journeyperson painters. The program rewards non-journeyperson painters with pay increases for completing steps toward earning their journeyperson's certificate. Appellant already possesses his journeyperson's certificate.

Ohio Administrative Code Section 124-1-02(Y) defines a "reduction in pay" as an action which diminishes an employee's pay. No evidence has been presented to demonstrate that Appellant's pay has been reduced. Further, Appellee has presented evidence demonstrating that Appellant's work experience has, in fact, resulted in several pay increases during his tenure of employment. Accordingly, I find that Appellant has not suffered a "reduction in pay."

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Therefore, because Appellant has failed to demonstrate a reduction in pay, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**.



Jeannette E. Gunn  
Administrative Law Judge

JEG: