

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

Steven R. Proctor,

*Appellant,*

v.

Case No. 07-REM-01-0041

Department of Aging,

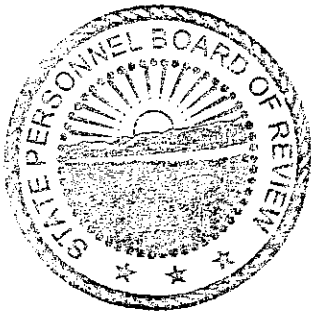
*Appellee.*

**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.



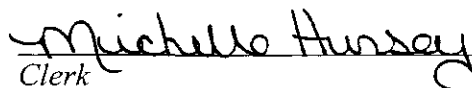
Lumpe – Aye  
Booth – Aye  
Tracy – Aye

  
\_\_\_\_\_  
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, August 28, 2007.

  
\_\_\_\_\_  
*Clerk*

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

8/28/07



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

Steven R. Proctor

Case No. 07-REM-01-0041

*Appellant*

v.

June 8, 2007

Department of Aging

Marcie M. Scholl

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration upon Appellant's notice of appeal filed with this Board on January 24, 2007. Appellant Proctor was removed from his position of Human Services Program Administrator 4 position effective January 19, 2007. In his notice of appeal, Appellant Proctor states "I am respectfully requesting a review of my own removal from unclassified state service at the Ohio Department of Aging."

Unlike a court of general jurisdiction, this Board has only the authority granted to it by statute. Section 124.03 of the Ohio Revised Code governs the jurisdiction of this Board and it clearly states as follows, in pertinent part:

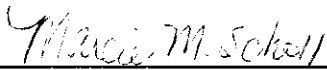
The state personnel board of review shall exercise the following powers and perform the following duties:

(A) Hear appeals, as provided by law, of **employees in the classified state service** . . . . . (Emphasis added).

Since there is no dispute between the parties that Appellant Proctor was serving in an unclassified position at the time of his removal, this Board is without jurisdiction to hear this matter.

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Therefore, it is my **RECOMMENDATION** that this appeal be **DISMISSED** due to a lack of subject matter jurisdiction.

  
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Marcie M. Scholl  
*Administrative Law Judge*

:mms