

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

Carol A. Gaertner,

Appellant,

v.

Case No. 07-SUS-02-0061

Ohio State University,

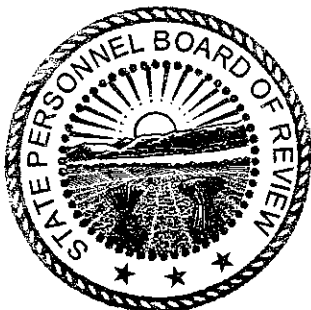
Appellee.

ORDER

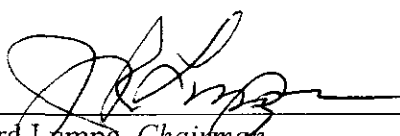
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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** for lack of jurisdiction over its subject matter, pursuant to O.R.C. § 124.03 as in effect prior to July 1, 2007.



Lumpe - Aye
Booth - Aye
Sfalcin - Aye

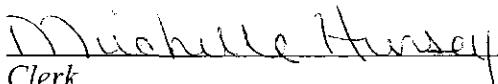


J. Richard Lumpe, *Chairman*

CERTIFICATION

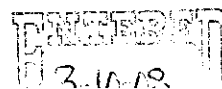
The State of Ohio, State Personnel Board of Review, ss:

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, March 10, 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**

CAROL A. GAERTNER,

Case No. 07-SUS-02-0061

Appellant

v.

February 19, 2008

OHIO STATE UNIVERSITY,

JAMES R. SPRAGUE

Appellee

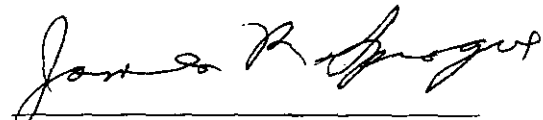
Administrative Law Judge

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 from what was initially a four-day suspension from her position with Appellee. Thereafter, Appellee modified Appellant's suspension to a three-day suspension, as reflected in the instant record. This Board lacked jurisdiction over the subject matter of a three-day suspension pursuant to the version of R.C. 124.03 that was in effect until June 30, 2007 and, correspondingly, was in effect as of the effective date of Appellant's instant initial suspension. Thus, this Board appears to lack jurisdiction over the subject matter of a suspension that was effective on or before June 30, 2007 and that has a modified duration of three days or fewer. Accordingly, Appellee's motion to dismiss this matter for lack of jurisdiction over its subject matter should be granted and this case should be dismissed.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **GRANT** Appellee's motion and **DISMISS** the instant appeal for lack of jurisdiction over its subject matter jurisdiction, pursuant to R.C. 124.03 as in effect prior to July 1, 2007.

A handwritten signature in black ink, appearing to read "James R. Sprague", written in a cursive style.

JAMES R. SPRAGUE
Administrative Law Judge

JRS: