

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

Stefan J. Feitl,

Appellant,

v.

Case No. 08-MIS-03-0069

Department of Transportation,

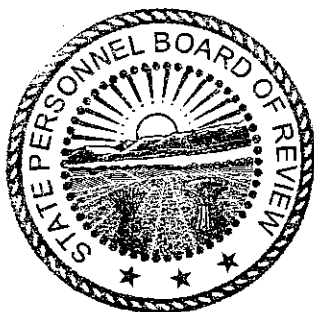
Appellee.

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 and 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, May 30, 2008.

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**

Stefan J. Feitl,

Case No. 08-MIS-03-0069

Appellant

v.

May 2, 2008

Ohio Department of Transportation,

Elaine K. Stevenson

Appellee

Hearing Officer

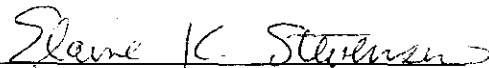
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's March 24, 2008 filing of a notice of appeal, which indicates that Appellant is appealing a written reprimand that he perceives as "harassment." On April 16, 2008, Appellee filed a Motion to Dismiss. To date, Appellant has not filed a response.

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. Pursuant to sections 124.03 and 124.34 of the Ohio Revised Code, this Board has authority to review suspensions of more than three days, reductions, removals, reclassifications, layoffs, and job abolishments. This Board has not been given the authority to review written reprimands or assertions of "harassment."

Therefore, I respectfully **RECOMMEND** that Appellee's Motion to Dismiss be **GRANTED** and the instant appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to R.C. 124.03 and 124.34.


Elaine K. Stevenson
Hearing Officer

EKS:/