

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

Cassandra Mc Court,

*Appellant,*

v.

Case No. 08-REM-01-0017

Wooster Community Hospital,

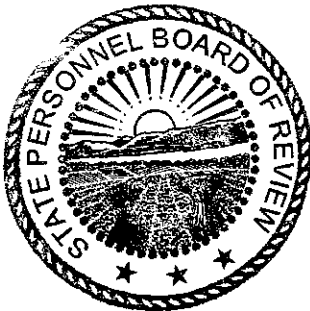
*Appellee.*

**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, pursuant to O.R.C. §§ 124.03(A) and 124.01(B).



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 18, 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**

Cassandra McCourt,

Case No. 08-REM-01-0017

*Appellant*

v.

February 14, 2008

Wooster Community Hospital,

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 February 14, 2008, pursuant to Appellant's filing of an appeal with this Board of her removal. Appellee filed a Motion to Dismiss with this Board on January 30, 2008, asserting that this Board is without jurisdiction to consider the instant appeal. Appellant filed no memorandum *contra*.

The uncontroverted evidence contained in the record indicates that Appellee is a municipal hospital, and that its operations are governed by a municipal charter. Pursuant to Article V of that charter, Section 5.03, all staff and employees of the Wooster Community Hospital are in the unclassified service of the municipality.

R.C. Section 124.03(A) provides that this Board shall hear appeals of employees in the classified state service. R.C. Section 124.01(B) defines "state service" as follows:

\* \* \*

"State service" includes all such offices and positions in the service of the state, counties, and general health districts thereof, except the cities, city health districts and city school districts.

\* \* \*

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Clearly, a municipal employee is not covered by the definition set forth above. Therefore, this Board does not have jurisdiction to hear a direct appeal arising from the removal of a municipal employee.

Therefore, I respectfully **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction.

  
Jeannette E. Gunn  
Administrative Law Judge

:jeg