

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

Daniel B. Dingler,

Appellant,

v.

Case No. 08-WHB-01-0015

Greene County Juvenile Court,

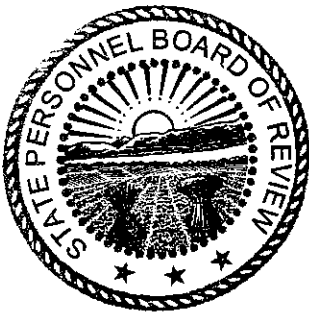
Appellee.

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** as this appeal was untimely filed, pursuant to O.R.C. § 124.341 and O.A.C. § 124-1-03(G).



Lumpe – Aye
Booth – Aye
Sfalcin – Aye

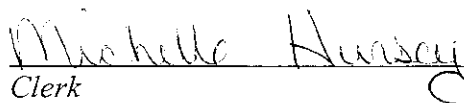


J. Richard Lumpe, *Chairman*

CERTIFICATION

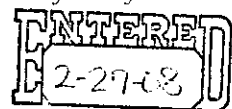
The State of Ohio, State Personnel Board of Review, ss:

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, February 27, 2008.



Michelle Hunsay
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**

DANIEL B. DINGLER,

Case No. 08-WHB-01-0015

Appellant

v.

January 29, 2008

GREENE COUNTY JUVENILE COURT,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

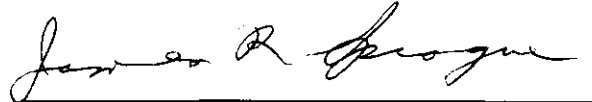
REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's January 8, 2008 filing of a whistleblower appeal from his removal purported to be effective October 16, 2007.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within thirty (30) calendar days after Appellant received notice of the alleged retaliation or other adverse impact as set forth in Ohio Revised Code 124.341. While Appellant's statement, that county employees now fall under the protections of Ohio Revised Code 124.341 (as of July 1, 2007) is correct, nothing in that Revised Code provision provides this Board with the authority to extend the statutorily established time limit for the filing of a whistleblower appeal with this Board.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** this appeal as untimely filed, pursuant to Ohio Revised Code 124.341.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: