

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Milissa A. Deluca,

*Appellant,*

v.

Case No. 08-MIS-05-0122

Department of Rehabilitation and Correction,  
Parole and Community Services,

*Appellee.*

**ORDER**

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

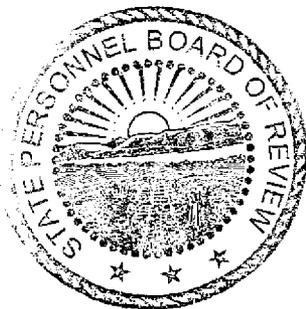
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of subject matter jurisdiction, pursuant to O.A.C. §§ 124-1-02(X) and 124-1-02 (Z).

Lumpe - Aye

Booth - Aye

Sfalcin - Aye

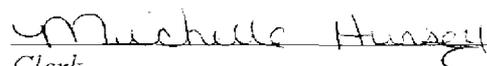


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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, August 19, 2008.

  
\_\_\_\_\_  
Michelle Hunsley  
Clerk

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

8-19-08

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

Milissa A. DeLuca,

Case No. 08-MIS-05-0122

*Appellant*

v.

May 23, 2008

Department of Rehabilitation & Correction,  
Parole & Community Services,

*Appellee*

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on due to Appellant's filing of an appeal with this Board. Appellant presently occupies a position classified as Supervisory Secretary. Appellant asserts in her appeal that she does not perform the mandatory duties required by the Supervisory Secretary classification, specifically that she does not supervise at least one secretary, and that her position is, therefore, misclassified.

Generally, this Board may consider the proper classification to be assigned to a position as part of either a reduction appeal or a reclassification appeal. In order to constitute a reduction in position, Appellee must have taken an action to diminish Appellant's duties or responsibilities to an extent that an audit of the position would result in a reclassification to a classification assigned to a lower pay range. O.A.C. 124-1-02(Z). Appellant makes no assertion that she was at one time responsible for supervising at least one secretary, and that the job duty was subsequently removed by Appellee. Appellant further makes no assertion that she has been reduced in pay. Therefore, I find that Appellant has not been reduced. Appellant made no assertion in her appeal that she had requested and was denied an audit of her position, or that she was appealing the results of an audit conducted on her position at the request of either herself or her appointing authority. Accordingly, I find that Appellant's position was not reclassified. O.A.C. 124-1-02(X).

No other section of the Ohio Revised Code provides this Board with jurisdiction over the assertions made by Appellant. Appellant may elect to submit a position audit request pursuant to the provisions of O.A.C. 123:1-3-01.

Milissa A. DeLuca  
Case No. 08-MIS-05-0122  
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Accordingly, I find that this Board is without jurisdiction to consider the subject matter of Appellant's appeal and I respectfully **RECOMMEND** that the instant appeal be **DISMISSED**.

  
Jeannette E. Gunn  
Administrative Law Judge