

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

Janet Harley-Bishop,

*Appellant,*

v.

Case No. 08-MIS-05-0183

Department of Rehabilitation and Correction,  
Lorain Correctional Institution,

*Appellee.*

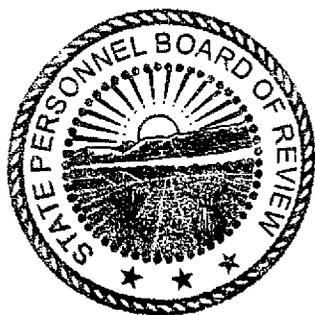
**ORDER**

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.

Lumpe - Aye  
Booth - Aye  
Sfalcin - Aye



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

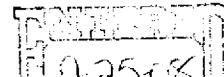
**CERTIFICATION**

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, July 25, 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**

Janet Harley-Bishop,

Case No. 08-MIS-05-0183

*Appellant*

v.

June 25, 2008

Department of Rehabilitation & Correction,  
Lorain Correctional Institution,

*Appellee*

Jeannette E. Gunn  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration on June 24, 2008. Appellant filed an appeal with this Board on May 15, 2008, requesting a re-calculation of her retention points and continuous service credit. At the same time, Appellant filed an appeal of the alleged abolishment of her position (SPBR Case No. 08-ABL-05-0166).

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. Ohio Revised Code Section 124.03 grants this Board authority to review suspensions of more than three days, removals, reductions, layoffs and abolishments. While this Board may consider the issues of continuous service credit and retention points within the context of a valid abolishment appeal, it lacks jurisdiction over the matters as separate grounds for appeal.

Appellant's appeal of her alleged abolishment (SPBR Case No. 08-ABL-05-0166) was dismissed as premature on May 23, 2008. At that time, Appellant was apprised of her right to appeal a subsequent notice of actual job abolishment and/or layoff. Should Appellant file such an appeal, this Board may then review the questions raised by Appellant regarding continuous service credit and retention points.

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Therefore, because this Board lacks jurisdiction to consider the issues of continuous service credit and retention point calculation absent a valid abolishment appeal, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of subject matter jurisdiction.

  
Jeannette E. Gunn  
Administrative Law Judge

JEG: