

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Vincent E. Murphy,

Appellant,

v.

Case No. 08-REM-04-0192

Cuyahoga County Board of Commissioners,

Appellee.

ORDER

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

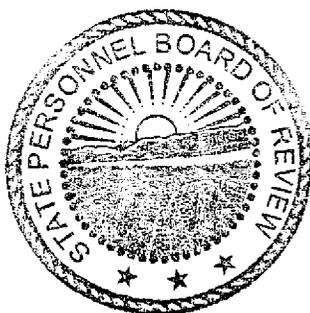
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

Wherefore, it is hereby **ORDERED** that the instant appeal be **DISMISSED** for lack of jurisdiction over its subject matter, pursuant to O.R.C. §§ 124.03 and 124.34 and O.A.C. § 124-1-03(I).

Lumpe - Aye

Booth - Aye

Sfalcin - Aye



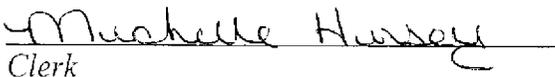


J. Richard Lumpe, *Chairman*

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, September 19, 2008.



Michelle Hursey
Clerk

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

9-19-08

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

VINCENT E. MURPHY,

Case No. 08-REM-04-0192

Appellant

v.

July 16, 2008

CUYAHOGA COUNTY BOARD OF COMMISSIONERS,

Appellee

JAMES R. SPRAGUE
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration upon Appellant's April 24, 2008 filing of an appeal from his removal from a position of Operator with Appellee's Information Services Center.

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal. This is because Appellant did not file his appeal within ten (10) calendar days following the date on which an order of removal was served on him (if such an order was served), as required by Ohio Revised Code Section 124.34. Neither did he file his appeal within thirty (30) calendar days after he received actual notice of his removal on February 19, 2008, as required by Ohio Administrative Code Section 124-1-03 (I).

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of jurisdiction over its subject matter, pursuant to R.C. 124.03, R.C. 124.34, and O.A.C. 124-1-03 (I).

A handwritten signature in cursive script, reading "James R. Sprague".

JAMES R. SPRAGUE
Administrative Law Judge

JRS: