

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

Craig Mc Glinch,

Appellant,

v.

Case No. 08-REM-06-0389

Greenville City School District,

Appellee.

ORDER

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

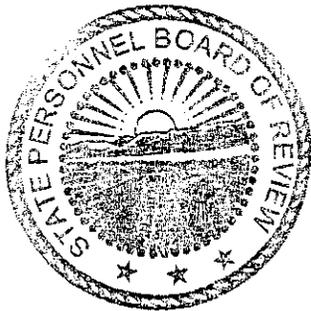
After a thorough examination of the record and a review of the Report and Recommendation of the Administrative Law Judge, along with any objections to that report which have been timely and properly filed, the Board hereby adopts the Recommendation of the Administrative Law Judge.

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, 124.34, 124.341 and 4167.13.

Lumpe - Aye

Booth - Aye

Sfalcin - Aye



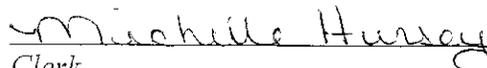


J. Richard Lumpe, *Chairman*

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 8, 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.

9-8-08

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

CRAIG MC GLINCH,

Case No. 08-REM-06-0389

Appellant

v.

July 24, 2008

GREENVILLE CITY SCHOOL DISTRICT,

JAMES R. SPRAGUE

Appellee

Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This matter came on for consideration on July 24, 2008. Appellant appeals his removal from employment with the Greenville City School District.

R.C. 124.03(A) constitutes the general enabling statute for this Board, as supplemented by R.C. 124.341 (setting forth this Board's whistleblower jurisdiction) and R.C. 4167.13 (setting forth this Board's "OSHA" jurisdiction). While R.C. 124.341 and R.C. 4167.13 do provide this Board with authority over city school employees when the requisite elements of those provisions have been invoked, neither those provisions nor R.C. 124.03 provides this Board with the authority to consider the merits of a removal of a school district employee. That jurisdiction generally lies with the pertinent municipal civil service commission with authority over the civil service actions of a pertinent city school district. Accordingly, it appears that this Board lacks jurisdiction to consider the subject matter of the instant appeal and it should, for that reason, be dismissed.

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, 124.34, 124.341, and R.C. 4167.13.



JAMES R. SPRAGUE
Administrative Law Judge

JRS: