

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

Charles Gregory,

*Appellant,*

v.

Case No. 08-REM-08-0492

Franklin County Sheriff,

*Appellee.*

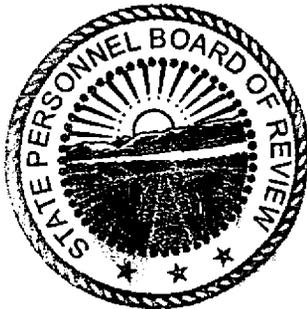
**ORDER**

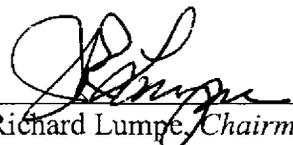
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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, pursuant to O.R.C. § 4117.10(A).

Lumpe - Aye  
Booth - Aye  
Sfalcin - Aye

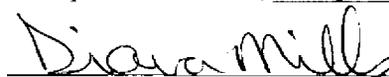


  
\_\_\_\_\_  
J. Richard Lumpe, *Chairman*

**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, November 18, 2008.

  
\_\_\_\_\_  
*Clerk*

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

11-18-08

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

Charles Gregory,

Case No. 08-REM-08-0492

*Appellant*

v.

October 24, 2008

Franklin Co., Sheriff

Christopher R. Young

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

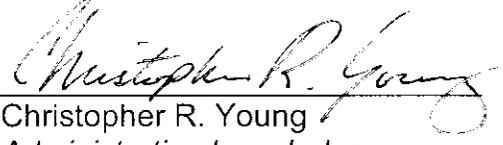
This matter came on for consideration on October 24, 2008, upon the Appellee's response to the previously issued Procedural Order and Questionnaire filed with this Board on October 9, 2008, and upon Appellee's Motion to Dismiss For Lack of Jurisdiction filed on October 9, 2008. The Appellee, the Franklin County Sheriff, contends this matter is properly resolved through the grievance procedure pursuant to a collective bargaining agreement and this Board lacks jurisdiction to consider the matter. To date, the Appellant has not filed any response to the previously issued Procedural Order and Questionnaire or memorandum *contra*, to the Appellee's motion to dismiss, nor has he requested an extension of the same.

I find that the Appellant was classified as a Storekeeper 1. The storekeeper 1 classification is included in a bargaining unit which is represented by Teamsters Local 413. The Appellee, Franklin County Sheriff and Teamsters Local 413 have signed a collective bargaining contract, which covers the Appellant's bargaining unit.

The above contract provides a grievance procedure resulting in final and binding arbitration. The Appellant was removed; and that this action is covered by the contract grievance procedures. Ohio Revised Code Section 4117.10(A) states that where a bargaining agreement provides a grievance procedure which culminates in final and binding arbitration, the State Personnel Board of Review has no jurisdiction. This Board is, therefore, without jurisdiction to hear the instant appeal.

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Therefore, I respectfully **RECOMMEND** that this appeal be **DISMISSED** for lack of jurisdiction.

  
Christopher R. Young  
Administrative Law Judge

CRY: