

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

RICHARD G. SCHWORM, JR.,

Appellant,

v.

Case No. 08-REM-09-0506

VILLAGE OF BEACH CITY/BEACH CITY POLICE DEPARTMENT,

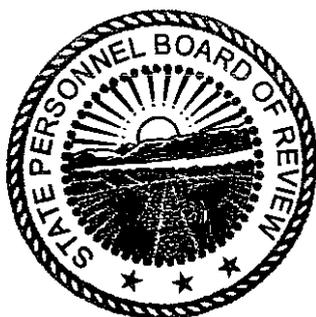
Appellee

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 R.C. 124.03.



Lumpe - Aye
Booth - Aye
Sfalcin - Aye

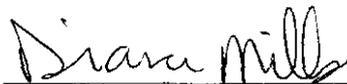


J. Richard Lumpe, *Chairman*

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 constitutes ~~(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 20, 2008.



Clerk

11/20/08

***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**

Richard G. Schworm, Jr.,

Case No. 08-REM-09-0506

Appellant

v.

October 10, 2008

Village of Beach City,
Beach City Police Department,

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 October 10, 2008. Appellant appeals his removal from employment with the Beach City Police Department.

R.C. Section 124.03(A) provides that this Board shall hear appeals of employees in the state service. R.C. Section 124.01(B) defines "state service" as follows:

* * *

(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of the cities, city health districts, and city school districts of the state.

* * *

Clearly, a municipal employee is not covered by the definitions set forth above. Therefore, this Board lacks jurisdiction to hear a direct appeal arising from the removal of a municipal employee.

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Accordingly, I respectfully **RECOMMEND** that this case be **DISMISSED** for lack of jurisdiction.



Jeannette E. Gunn
Administrative Law Judge

JEG: