

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

Keren R. Lung,

*Appellant,*

Case Nos. 09-RED-05-0259  
09-MIS-05-0260  
09-REM-05-0264  
09-MIS-05-0265

v.

Rescare,  
Williamsburg Residential Alternatives,

*Appellee*

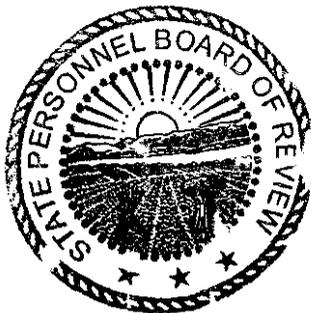
**ORDER**

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

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 appeals be **DISMISSED** for lack of jurisdiction, pursuant to O.R.C. §§ 124.03(A) and 124.01(B).

Lumpe - Aye  
Sfalcin - Aye  
Tillery - 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 9, 2009.

  
\_\_\_\_\_  
Michelle Hunsay  
Clerk

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

11-9-09

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

Keren R. Lung,

Case No. 09-RED-05-0259

Case No. 09-MIS-05-0260

Case No. 09-REM-05-0264

Case No. 09-MIS-05-0265

*Appellant*

v.

September 30, 2009

Rescare, Williamsburg Residential Alternatives,

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 September 30, 2009, upon the submission of the Appellee's response dated September 16, 2009, to the previously issued Procedural Order and Questionnaire on September 8, 2009. To date, the Appellant has not filed a response to the Appellee's response. The Appellant appeals her removal from employment with Rescare, Williamsburg Residential Alternatives.

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:

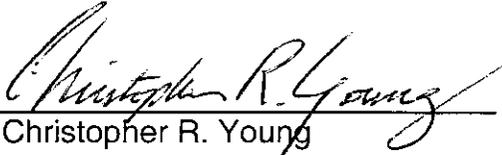
\* \* \*

(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 for profit corporation authorized to do business in the state of Ohio under the name of "Res-Care Ohio, Inc." is not covered by the definition set forth above. Therefore, this Board lacks jurisdiction to hear a direct appeal arising from the removal of an employee from a for profit corporation.

Therefore, I **RECOMMEND** that these cases be **DISMISSED** for lack of jurisdiction.

  
Christopher R. Young  
Administrative Law Judge

CRY: