

STATE OF OHIO
STATE PERSONNEL BOARD OF REVIEW

Jeffrey K. Stapleton,

Appellant,

v.

Case No. 09-REC-12-0506

Department of Youth Services Central Office,

Appellee.

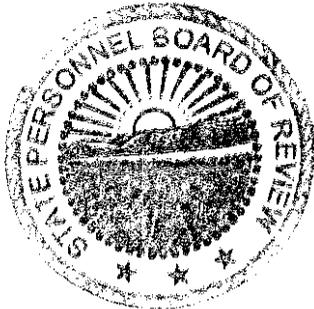
ORDER

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. § 124.03 and 124.14.

Lumpe - Aye
Sfalcin - Aye
Tillery - Aye



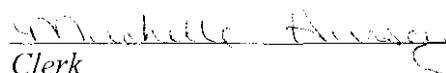


J. Richard Lumpe, *Chairman*

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, February 4, 2010.



Michelle Huggins
Clerk

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

2/4/20

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

Jeffrey K. Stapleton,

Case No. 09-REC-12-0506

Appellant

v.

January 13, 2010

Department of Youth Services,
Central Office,

Appellee

Jeannette E. Gunn
Administrative Law Judge

REPORT AND RECOMMENDATION

To the Honorable State Personnel Board of Review:

This cause came on for consideration pursuant to a review of the information contained in the record. Appellant filed a reclassification appeal with this Board on December 3, 2009. On December 22, 2009, Appellee filed a reply to this Board's questionnaire, indicating that Appellant had not filed a request for an audit of his position. Appellant filed his optional response with this Board on December 31, 2009, acknowledging that he had not filed an audit request.

Pursuant to O.A.C. 123:1-3-01(B), a classified employee of a state agency, including a board or commission, may request a review of the classification of his or her position, unless otherwise prohibited by a collective bargaining agreement. The employee's request must be filed with the Director of the Department of Administrative Services or with an individual authorized to perform the director's functions. Pursuant to R.C. 124.03(A), a job classification decision rendered by the Director of the Department of Administrative Services or anybody authorized to perform the director's functions may be appealed to this Board.

Since there is no evidence indicating that a job audit of Appellant's position was conducted by the Department of Administrative Services or any other entity, I find that Appellant has suffered no reclassification action over which this Board may exercise its jurisdiction. The remaining issues raised by Appellant in his December 31, 2009, response are more properly addressed through the two other appeals he has presently pending before this Board, SPBR Case Nos. 09-INV-12-0507 and 09-MIS-12-0508.

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Therefore, I respectfully **RECOMMEND** that the instant appeal be **DISMISSED** for lack of jurisdiction, pursuant to sections R.C. 124.03 and 124.14 of the Revised Code.


Jeannette E. Gunn
Administrative Law Judge