

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

Terri Mc Clain,

Appellant,

v.

Case No. 09-REM-03-0179

Uhrichsville Water Park,

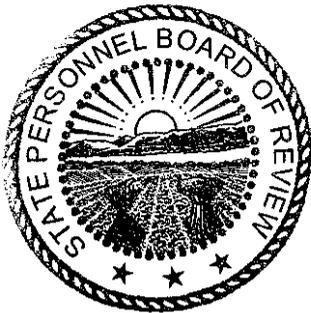
Appellee.

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 O.R.C. §§ 124.01(B) and 124.03(A).



Lumpe - Aye
Sfalcin - Aye
Tillery - Aye

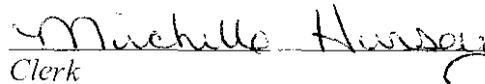


J. Richard Lumpe, *Chairman*

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, June 19, 2009.



Michelle Hunsicker
Clerk

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

6-19-09

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

Terri Mc Clain,

Case No. 09-REM-03-0179

Appellant

v.

May 12, 2009

Uhrichsville Water Park,

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 May 12, 2009, upon the Appellee's motion to dismiss filed on April 23, 2009, and upon the Appellant's response to the Appellee's motion to dismiss filed on April 29, 2009. Appellant appeals her removal from employment with Uhrichsville Water Park.

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:

* * *

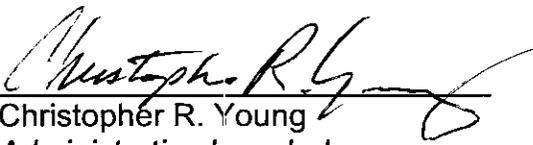
(B) "State service" includes all offices and positions in the service of the state and the counties and general health districts of the state. "State service" does not include offices and positions in the service of **the cities**, city health districts, and city school districts of the state.

* * *

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


Christopher R. Young
Administrative Law Judge

CRY: