

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

Joyce E. Brackbill,

Appellant.

v.

Case No. 10-MIS-05-0136

Fairfield County,
Board of Developmental Disabilities,

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** since Appellant has alleged no action over which this Board may exercise its jurisdiction, pursuant to O.R.C. §§ 124.03(A)(1) and 124.56.

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, July 29, 2010.



Clerk

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**

Joyce E. Brackbill,

Case No. 10-MIS-05-0136

Appellant

v.

June 15, 2010

Fairfield County Board of
Developmental Disabilities,

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 June 15, 2010. I find that Appellant has filed this appeal to protest her alleged harassment by Appellee, and Appellee's alleged creation of a hostile work environment.

Unlike a court, the State Personnel Board of Review has jurisdiction only when it has been explicitly conferred upon it by the Ohio General Assembly. Ohio Revised Code Section 124.03(A)(1) provides this Board with the authority to:

Hear appeals, as provided by law, of employees in the classified state service from final decisions of appointing authorities or the director of administrative services relative to reduction in pay or position, job abolishments, layoff, suspension, discharge, assignment or reassignment to a new or different position classification, or refusal of the director, or anybody authorized to perform the director's functions, to reassign an employee to another classification or to reclassify the employee's position with or without a job audit

Ohio Revised Code Section 124.56 grants this Board authority to make an investigation when the Board has reason to believe that:

. . . any officer, board, commission, head of a department, or person having the power of appointment, layoff, suspension or removal, has abused such power by making an appointment, layoff, reduction, suspension, or removal of an employee under his or their jurisdiction in violation of this chapter [124.] of the Revised Code . . .

Neither Section 124.03(A)(1) nor Section 124.56 of the Revised Code confers jurisdiction on this Board to review alleged harassment or the alleged creation of a hostile work environment.

Therefore, because Appellant has alleged no action over which this Board may exercise its jurisdiction, I respectfully **RECOMMEND** that this appeal be **DISMISSED**.


Jeannette E. Gunn
Administrative Law Judge