

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

Scott Moore,

*Appellant,*

v.

Case No. 10-MIS-12-0349

Department of Youth Services Central Office,

*Appellee.*

**ORDER**

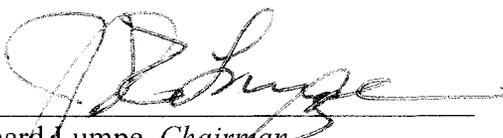
This matter came on for consideration on the Report and Recommendation of the Administrative Law Judge in the above-captioned appeal.

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 this miscellaneous/investigative action be **TERMINATED** and that the Appellant's investigation request be forwarded directly to the Ohio Civil Rights Commission for whatever action that body may consider to be necessary and proper.

Lumpe - Aye

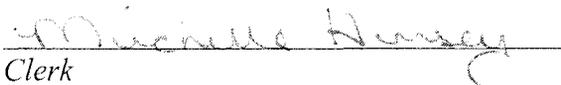
Tillery - Aye

  
\_\_\_\_\_  
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, January 21, 2011.

  
\_\_\_\_\_  
Clerk

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

1-21-11mn

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

Scott Moore,

Case No. 10-MIS-12-0349

*Appellant*

v.

December 27, 2010

Dept. of Youth Services,  
Central Office,

*Appellee*

Christopher R. Young  
*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This cause comes on for consideration on December 27, 2010, due to Appellant's December 13, 2010, filing of a request of a miscellaneous action into the alleged unlawful discrimination and harassment at the Department of Youth Services.

Revised Code Chapter 4112 deals with the powers and duties of the Ohio Civil Rights Commission (OCRC). Revised Code 4112.02, entitled "Unlawful discriminatory practices," outlaws various discriminatory practices committed by any employer in the state.

Revised Code 4112.02 reads in pertinent part:

It shall be an unlawful discriminatory practice:

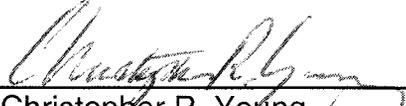
- (A) For any employer, because of the race, color, religion, sex, military status, national origin, disability, age, or ancestry of any person, to discharge without just cause, to refuse to hire, or otherwise to discriminate against that person with respect to hire, tenure, terms, conditions, or privileges of employment, or any matter directly or indirectly related to employment. (Emphasis Added.)

\* \* \*

Scott Moore  
Case No. 10-MIS-12-0349  
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In Mr. Moore's request, the Appellant expressly referenced in his notice of appeal under "other" that he was discriminated and harassed resulting in improper and unlawful discrimination. Because Revised Code 4112., *et seq.*, specifically denominates the Ohio Civil Rights Commission to deal with such alleged discrimination, I find that the OCRC is a more proper form in which the Appellant may seek a remedy from these alleged discriminatory practices.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **TERMINATE** this miscellaneous/investigative action and further **RECOMMEND** that the Appellant's request be forwarded directly to the OCRC for whatever action that body may considered to be necessary and proper.

  
\_\_\_\_\_  
Christopher R. Young  
Administrative Law Judge

CRY: