

STATE OF OHIO  
STATE PERSONNEL BOARD OF REVIEW

Patricia L. Cross,

*Appellant.*

v.

Case No. 10-REM-04-0101

Ohio State University,

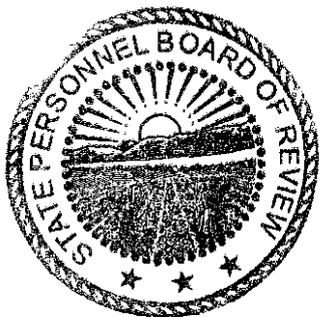
*Appellee.*

**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 over its subject matter, pursuant to O.R.C. §§ 124.03 and 124.34.



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, August 19, 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**

PATRICIA L. CROSS,

Case No. 10-REM-04-0101

*Appellant*

v.

July 7, 2010

OHIO STATE UNIVERSITY,

JAMES R. SPRAGUE

*Appellee*

*Administrative Law Judge*

**REPORT AND RECOMMENDATION**

To the Honorable State Personnel Board of Review:

This matter came on for consideration due to Appellant's **April 20, 2010 filing of an appeal** of her removal. Appellant **received her pertinent R.C. 124.34 Order of Removal on March 23, 2010.**

I find that the State Personnel Board of Review is without jurisdiction to hear this appeal because the appeal was not filed within ten (10) calendar days following the date on which the R.C. 124.34 Order of Removal was served on the employee, as required by R.C. 124.34.

Therefore, I respectfully **RECOMMEND** that the State Personnel Board of Review **DISMISS** the instant appeal for lack of jurisdiction over its subject matter, pursuant to R.C. 124.03 and R.C. 124.34.

  
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JAMES R. SPRAGUE  
*Administrative Law Judge*